

To: Kreutzer, David[kreutzer.david@epa.gov]
Cc: Konkus, John[konkus.john@epa.gov]; Benton, Donald[benton.donald@epa.gov]; Schnare, David[schnare.david@epa.gov]; Munoz, Charles[munoz.charles@epa.gov]
From: Ericksen, Doug
Sent: Wed 2/8/2017 1:34:26 PM
Subject: Re: EPA Daily News Briefing for Wednesday, February 8, 2017

Deliberative Process Privilege/Ex. 5

John, let's talk about this morning.

Ericksen

Sent from my iPhone

On Feb 8, 2017, at 4:09 AM, Kreutzer, David <kreutzer.david@epa.gov> wrote:

Deliberative Process Privilege/Ex. 5

Sent from my iPhone

Begin forwarded message:

From: "Bulletin Intelligence" <epa@bulletinintelligence.com>
Date: February 8, 2017 at 6:55:44 AM EST
To: epa@BulletinIntelligence.com
Subject: EPA Daily News Briefing for Wednesday, February 8, 2017

Mobile version and searchable archives available at epa.bulletinintelligence.com.

TO: ADMINISTRATOR AND SENIOR EXECUTIVES
DATE: WEDNESDAY, FEBRUARY 8, 2017 7:00 AM EST

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Administrator

Watchdog Groups Files Open Records Lawsuit Against Pruitt.

NPR (2/7, Wertz) reports that the Center for Media and Democracy filed an open records lawsuit against EPA Administrator-designate Scott Pruitt seeking records during his time as Oklahoma's attorney general with fossil fuel companies and the Republican Attorney General's Association. The group also asked a judge "for an injunction preventing the Oklahoma AG's office from destroying any documents related to its records request."

Reuters (2/7, Volcovici) reports that center's director of research, Nick Surgey, said, "We are doing this because these emails should be released so that people can properly vet his record before the Senate votes to confirm him."

Report Says Pruitt Made False Statement While Under Oath To Senate.

The San Francisco Chronicle (2/6) reports that EPA Administrator-designate Scott Pruitt “may have made a false statement under oath to the Senate,” according to a report first filed by Fusion’s Daniel Rivero on Monday. The “underlying facts of Rivero’s article” were then confirmed by Business Insider through an “independent review of publicly available documents from the case.” During his confirmation hearing, Sen. Cory Booker (D-N.J.) asked Pruitt whether his approach to a case against several poultry companies was impacted because he previously “received \$40,000 in donations from those companies and law firms representing them.” At issue is Pruitt’s response, in which he claimed: “I have taken no action to undermine that case. I have done nothing but file briefs in support of the court making a decision.” Contradicting his claim made under oath to the Senate, Rivero and his team “found no evidence that Pruitt or his office had filed any briefs in support of making a decision with the case.”

Additional Reading.

- **Scott Pruitt Would Be A Disaster For Colorado’s Air, Water And Our Families’ Health.** Denver Post. (2/7)

Brownfields/Superfund/Other Cleanups

Additional Reading.

- **Trump Firm Loses Bid To Limit Cleanup Liability For Property.** New York Times. (2/7, Meier)
- **EPA Starts Superfund Soil Testing In Pueblo City Parks.** Pueblo (CO) Chieftain. (2/7)

Climate Change

Republican Statesmen Call For Carbon Tax.

The New York Times (2/7, Schwartz) reports that a group of Republican statesmen are calling for a tax on carbon emissions to fight climate change. The Climate Leadership Council, led by former Secretary of State James A. Baker III, with former Secretary of State George P. Shultz and former secretary of the Treasury Henry M. Paulson, claim a carbon tax is “a conservative climate solution” based on free-market principles. Baker is scheduled to meet on Wednesday with White House officials to propose a simpler carbon tax to replace the Clean Power Plan. The Washington Post (2/7, Mooney, Eilperin) reports the Climate Leadership Council is proposing to eliminate “nearly all of the Obama administration’s climate policies in exchange for a rising carbon tax that starts at \$40 per ton and is returned in the form of a quarterly check from the Social Security Administration to every American. While “the proposal faces long odds” because “many Republicans in Congress are adamantly against a tax increase of any kind,” the Post says “the revenue-neutral ‘carbon fee and dividend’ idea” is popular among economists and some leading climate scientists,” though “Republican statesmen from past administrations” are aligning behind the proposal for the first time. The Wall Street Journal (2/7) details how the carbon tax would work as an alternative to government regulation. The AP (2/7, Lucey, Pace) also reports.

Broad Coalition Backs Carbon Capture Tax Credit. TIME (2/7) reports a coalition of energy firms, green groups and trade unions are backing a proposed measure that “helps fight greenhouse gas emissions by providing a tax credit for capturing and storing carbon dioxide.” Support for the Section 45Q tax credit was detailed in a letter sent last week to members of Congress which said carbon capture and storage “represents an essential component of our nation’s strategy for achieving greenhouse gas emissions reductions,” and is a “genuine win-win for our nation’s economy and environment.”

Industry, Congress Seeing Exiting Paris Deal A Lower Priority.

ClimateWire (2/7) reports that President Trump is being pulled in two directions on the Paris climate agreement: “Bend to ideological opponents of global climate action, or listen to the capitalists who see a financial angle in the small print.” Trump transition staff from conservative think tanks such as the Competitive Enterprise Institute and Heritage Foundation “are keeping up the drumbeat for an early exit,” but individual companies continue to support the deal and trade groups “remain carefully agnostic.” National Mining Association spokesman Luke Popovich said “it is by no means a priority for the U.S. industry, and I’m not sure it’s a top-tier priority for the administration, either.” Senate Republicans aim to re-prioritize the accord, noting that the agreement’s only binding elements relate to reporting and transparency, with Sen. Jim Inhofe saying, “It really is hardly worth even addressing.”

Whistleblower Claims NOAA Manipulating Climate Change Data.

Fox News’ Special Report (2/7) reports John Bates, who recently retired as a lead scientist of the National Climatic Data Center, made the “explosive” accusation to the Daily Mail on Sunday that the National Oceanic and Atmospheric Administration (NOAA) “intentionally manipulated data to hide a 12 -year pause in global warming and that the study was a major influence in the 2015 Paris climate summit where western nations agreed to spend billions to reduce fossil fuel use.” Bates on Tuesday testified before lawmakers on the matter in a hearing entitled “Making the EPA Great Again.” He was shown saying, “We have every reason to be skeptical that our scientific community is maintaining its integrity.”

Energy

Volkswagen Announces Subsidiary To Promote Electric Vehicles.

Bloomberg News (2/7, Beene) reports Volkswagen has created a new subsidiary called Electrify America LLC, which will “manage the \$2 billion it is required to spend over the next decade in support of zero-emissions technology in the U.S.” The company will invest in EV infrastructure, such as charging stations, and operate various means of raising awareness for EVs as part of its parent’s legal settlement with the EPA over emissions violations.

The Wall Street Journal (2/7, Roberts) reports that almost half of the \$2 billion is expected to be spent in California where there are high volumes of electric vehicles. The Journal also notes that the company will install chargers in 15 metro areas, and develop a 200-station cross-country charging network. The company is also expected to experiment with other mobility plans like car-sharing.

Reuters (2/7, Shepardson) reports the company will install more than 500 charging stations across the country, with 300 in those 15 metro areas. Volkswagen’s investment also includes its “Green City” initiative where it will test out other mobility concepts. Mark McNabb chief executive of Electrify America was enthusiastic about the program saying it is “an opportunity to transform an industry. How many times in life do you get that opportunity?” Reuters adds that Volkswagen must submit all plans for regulatory approval from California and the EPA, and notes the company will invest \$500 million every 30 months until it meets its goal.

Additional Reading.

- Op-Ed: EPA’s Change Of Heart On Fracking Is Purely Political, To Appease ‘Greens’.

Environmental Justice

California Regulators, Lawmakers Discuss How To Target State Climate Spending On Disadvantaged Communities.

The Los Angeles Times (2/7, Megerian) reports that lawmakers, regulators, and representatives from advocacy groups met on Monday in Oakland to develop “an updated series of guidelines to send cap-and-trade revenue to low-income neighborhoods,” as required by legislation passed last year. The parties involved discussed challenges to their mission, asking questions like: “How can low-income people benefit if they don’t live in an area that’s predominantly low-income? Do transit lines passing through low-income areas count under the state guidelines?”

International

NYTimes Analysis: Coal Plants May Hamper China’s Climate Pledges.

The New York Times (2/7, Wong) reports that China’s coal plants “undermine” the nation’s “aim of being a global leader on efforts to limit climate change.” Despite such pledges to reduce carbon emissions, “at least four such plants have begun operating in China in the past four years, pushed by local governments and state-owned enterprises in coal-rich regions,” and “dozens more have been under consideration.”

Additional Reading.

- **Macedonian Capital Offers Free Transport To Fight Pollution.** AP. (2/7)
- **The Best And Worst Countries In The World When It Comes To Air Pollution And Electricity Use.** Business Insider. (2/8)

Other News

EPA Official Continues Working As Washington State Senator.

The Washington Post (2/7, Rein, Dennis) reports that Washington State Sen. Doug Erickson, an early supporter of President Trump, has been tapped by the President to run “communications and helping to reshape the Environmental Protection Agency,” but he has remained “a top Republican in the Washington state Senate, which is currently in session 2,808 miles due west in Olympia.” Erickson, “has pretty much been missing in action for the first month of the legislature’s 105- day session,” and his absence “is the linchpin to party control of the state Senate, since Washington state Republicans control the chamber by just one vote.” While his “dual roles are legal, since his EPA appointment helping run the agency’s ‘beachhead’ team is temporary and can last only 120 days,” it “hasn’t stopped Democrats from pouncing.”

Trump’s Top Political Aide To Stay On With EPA Following Transition.

E&E Publishing (2/8) reports that acting EPA Administrator Catherine McCabe announced that Don Benton, President Trump’s top political aide at the agency, will remain on board with the agency following the transition period.

Four Lawmakers Support Bill To Abolish EPA.

The Biloxi (MS) Sun Herald (2/7, Hampton) reports that freshman Rep. Matt Gaetz's bill proposing to "terminate the Environmental Protection Agency" has been co-sponsored by three other lawmakers, including Reps. Steven Palazzo (MS), Thomas Massie (KY), and Barry Loudermilk (GA).

Rules/Regulations/Policy

House Science Committee Holds "Make Environmental Protection Great Again" Hearing.

The Hill (2/7, Cama) reports on the "Make Environmental Protection Great Again" hearing held by a House Science committee intent on passing the "Secret Science Reform Act," which would require all science used by the EPA to justify regulations be transparent and reproducible. During opening statements, Rep. Lamar Smith (R-Texas), the chairman of the House Science Committee, argued that "over the last eight years, the EPA has pursued a political agenda, not a scientific one." He said that the measures offers "an opportunity to right the ship at EPA and steer the agency in the right direction."

The Washington Post (2/7, Harvey) reports that "other lawmakers took issue with what they perceived to be an assault on the agency's ability to produce sound science-based regulations." The committee's ranking Democrat member, Rep. Eddie Bernice Johnson, said, "I'm disappointed but not really surprised our very first hearing in this Congress will be focused on attacking the EPA."

The Huffington Post (2/6, Kaufman) reports that witnesses speaking before the hearing include "a coal lawyer, a chemical industry lobbyist and a libertarian scholar who recently accused the Environmental Protection Agency of 'regulatory terrorism.'" The witnesses "seem likely to echo" the views of Rep. Smith.

Grist (2/7, Permenter) reports that Democratic Rep. Don Beyer "trolled" Trump supporters by wearing a "Keep the EPA Great" hat to the hearing.

BuzzFeed (2/8, Grandoni) reports that while the call for more transparency "seems benign on its face," those who oppose the bill say it is "simply a pretext for making the job of EPA scientists more difficult." For example, "Much of the research the EPA relies on to craft air and water rules are...health studies that contain personal information on patients and their family members." Disclosing such data used in an asthma study would violate health privacy laws, therefore under the proposed rule such data could be precluded from being used in the EPA's rule-making process.

Silverstein: "Secret Science Reform Act" Aims To Curb EPA's Power. Forbes (2/7) contributor Ken Silverstein discusses the "Secret Science Reform Act" proposed during the hearing. "On the surface," the goal of the bill is to increase transparency and to see how data is being assessed. However, Silverstein says the "true intent is to tie EPA's hands and to prevent it from carrying out its job." EPA's backers say that if implemented, the bill would "actually prevent large scale scientific studies from being used to craft regulation, given that such analyses can't be reproduced" because any attempts to do so would "be an expensive undertaking, or \$250 million over the next few years, says the Congressional Budget Office." Silverstein argues that the bill is an attempt to "curb EPA's powers," and that "allowing Pruitt a chance to kill regs with unquestionable benefits would be the agency's death knell, and probably that of the President of the United States."

EPA Approves Wisconsin Plan To Avoid Phosphorous Compliance With Fees.

The [AP](#) (2/7, Lombardo) reports that the EPA approved a plan proposed by two Republican Wisconsin state lawmakers that will allow corporate polluters to “pay to delay compliance with strict phosphorous pollution standards.” The fees paid by the polluters would be used to fund county projects to reduce runoff. Wisconsin Sen. Robert Cowles “said these investments could be more effective at reducing phosphorous levels than forcing companies to make costly repairs or install water filtration systems.” Cowles also said he wasn’t sure upgrades to pollution-control equipment would make a difference in phosphorous levels. Detractors of the plan say there are already alternatives for companies that are unable to meet the standards, and that this plan only gives them more leniency. The [Chippewa \(WI\) Herald](#) (2/7, Verburg) reports, “some conservation groups have opposed the state plan, saying it lacked teeth to ensure that the fees would result in any significant improvement in water quality.”

Water

US District Judge Continues Dismissing Flint Water Crisis Lawsuits Due To Safe Drinking Water Act Preemption.

In continuing coverage, the [Detroit News](#) (2/7, Chambers) reports US District Judge John Corbett O’Meara issued an opinion and order dismissing two cases filed against Michigan Governor Rick Snyder and other state officials over the Flint water crisis. Judge O’Meara ruled that the suits were preempted by the Safe Water Drinking Act, the same reasoning he used in dismissing two other lawsuits involving the water crisis. [MLive \(MI\)](#) (2/7, Fonger) reports attorneys for one of the two cases “filed a notice of appeal of O’Meara’s decision in their case on Monday, Feb. 6.”

Engineering Company Estimates Upgrading Flint’s Water Plant Will Cost \$108M.

The [AP](#) (2/7) says a report from engineering and construction company CDM Smith estimated that the total cost of upgrading Flint’s water treatment plant will be around \$108 million, which is higher than previous estimates. According to the AP, “The report estimates work on the plant can be completed in 2019-2020. The state Department of Environmental Quality must agree to the final version of the consultant’s report.”

[MLive \(MI\)](#) (2/7, Fonger) also provides coverage.

Additional Reading.

- **New York To Expand Blood-testing Program For PFOS, PFOA.** [Middletown \(NY\) Times Herald-Record](#). (2/7, Sparks)

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<epaNewsBriefing170208.doc>

To: Kreutzer, David[kreutzer.david@epa.gov]; Ericksen, Doug[ericksen.doug@epa.gov]
From: Konkus, John
Sent: Fri 2/10/2017 4:41:06 PM
Subject: RE: SCC messaging draft

Thank you. I will incorporate this into the talking points.

From: Kreutzer, David
Sent: Friday, February 10, 2017 10:48 AM
To: Ericksen, Doug <ericksen.doug@epa.gov>; Konkus, John <konkus.john@epa.gov>
Subject: SCC messaging draft

Here are some draft suggestions for messaging the SCC. Let me know if you have any questions.

David

David W. Kreutzer, Ph.D.

202.564.3113

IMPORTANT: Please note that any correspondence with this account may become a federal record and be subject to Freedom of Information Act (FOIA) requests.

To: Benton, Donald[benton.donald@epa.gov]; Schnare, David[schnare.david@epa.gov]; Greaves, Holly[greaves.holly@epa.gov]; Sugiyama, George[sugiyama.george@epa.gov]; Bangerter, Layne[bangerter.layne@epa.gov]; Schwab, Justin[schwab.justin@epa.gov]; Munoz, Charles[munoz.charles@epa.gov]; Davis, Patrick[davis.patrick@epa.gov]; Kreutzer, David[kreutzer.david@epa.gov]; Ericksen, Doug[ericksen.doug@epa.gov]; Konkus, John[konkus.john@epa.gov]
Cc: Allen, Reginald[Allen.Reginald@epa.gov]; Lesperance, Twanna[Lesperance.Twanna@epa.gov]
From: Willis, Sharnett
Sent: Fri 2/10/2017 3:10:41 PM
Subject: Leave Bank Form
[Leave Bank Election Form 3160-6.pdf](#)

Good Morning Everyone,

Attached is the Leave Bank form. If you are interested in signing up, please fill out the form and return to me. If you have any questions, please give me a call.

Thank you.

Sharnett Willis

Office of the Administrator

202/564-7866

To: Kreutzer, David[kreutzer.david@epa.gov]
From: Ericksen, Doug
Sent: Fri 2/10/2017 3:05:26 PM
Subject: RE: New Letter from Special Rapporteur - Feb 9, 2017

What is this?

From: Kreutzer, David
Sent: Friday, February 10, 2017 9:55 AM
To: Ericksen, Doug <ericksen.doug@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>; Konkus, John <konkus.john@epa.gov>; Bangerter, Layne <bangerter.layne@epa.gov>
Cc: Schnare, David <schnare.david@epa.gov>; Benton, Donald <benton.donald@epa.gov>; Davis, Patrick <davis.patrick@epa.gov>; Sugiyama, George <sugiyama.george@epa.gov>; Munoz, Charles <munoz.charles@epa.gov>
Subject: FW: New Letter from Special Rapporteur - Feb 9, 2017

Bingo!

“in particular with respect to energy development projects which affect the rights of indigenous peoples. In that context, she will also be examining the impacts of recently adopted executive orders and presidential memoranda related to pipelines, in particular affecting Keystone pipeline and Dakota pipeline”

Let's discuss at 4.

From: Tejada, Matthew
Sent: Friday, February 10, 2017 9:21 AM
To: Kreutzer, David <kreutzer.david@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>; Nishida, Jane <Nishida.Jane@epa.gov>
Cc: Cozad, David <Cozad.David@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Badalamente, Mark <Badalamente.Mark@epa.gov>
Subject: Fwd: New Letter from Special Rapporteur - Feb 9, 2017

All

Sharing the below and attached further info regarding UN Special Rapporteur. Still chasing down firm answer for Davids question yesterday.

Best

Matthew

Matthew Tejada

Director - Office of Environmental Justice

US Environmental Protection Agency

202-564-8047

Begin forwarded message:

From: "Gogal, Danny" <Gogal.Danny@epa.gov>
To: "Tejada, Matthew" <Tejada.Matthew@epa.gov>
Cc: "Lewis, Sheila" <Lewis.Sheila@epa.gov>
Subject: New Letter from Special Rapporteur - Feb 9, 2017

Matthew,

The Special Rapporteur sent another letter (attached) to the State Department yesterday which clarifies the focus of her visit. It is to primarily to focus on the following:

...the purpose of the visit is to gather information on measures undertaken by the United States of America, in terms of legislative and institutional

framework as well as challenges in particular with respect to energy development projects which affect the rights of indigenous peoples. In that context, she will also be examining the impacts of recently adopted executive orders and presidential memoranda related to pipelines, in particular affecting Keystone pipeline and Dakota pipeline as well as developments which have taken place since the previous visit of the Special Rapporteur to the United States of America in 2012.

The Special Rapporteur will also look into the impact of energy development projects on lands of cultural and historical significance to Indian tribes and review government policies

in place to protect sites important to tribes, study the impacts as well as

reconciliation for historical wrongs related to non-indigenous use of ancestral lands.

In that context, the Special Rapporteur will also look more in depth into good practices including of energy development projects by Indian tribes, with a focus on Government policies and programs to facilitate tribal energy development, with close collaboration with tribal governments, During the overall framework, she will also consider measures that have been taken to promote the effective implementation the United Nations Declaration on the Rights of Indigenous Peoples...

I will be sending a message to the staff leads in OLEM and OW for international human rights to request the identification of representatives from their respective offices to participate in the meeting with the SR.

I will be in touch with you once I hear from the State Department regarding the frequency of the SR's visits, as asked by one of the beach head team members.

Thanks,

Danny

Daniel E. Gogal

Senior Environmental Protection Specialist
Tribal and Indigenous Peoples Program Manager

EPA Lead for International Human Rights Agreements

Office of Environmental Justice, USEPA
MC (2201-A)
1200 Pennsylvania Avenue, NW
Washington, DC 20460
(202) 564-2576, (202) 501-0740 - Fax

To: Ericksen, Doug[ericksen.doug@epa.gov]; Benton, Donald[benton.donald@epa.gov]; Schnare, David[schnare.david@epa.gov]; Greaves, Holly[greaves.holly@epa.gov]; Sugiyama, George[sugiyama.george@epa.gov]; Bangerter, Layne[bangerter.layne@epa.gov]; Schwab, Justin[schwab.justin@epa.gov]; Munoz, Charles[munoz.charles@epa.gov]; Davis, Patrick[davis.patrick@epa.gov]; Kreutzer, David[kreutzer.david@epa.gov]
From: Grantham, Nancy
Sent: Wed 1/25/2017 4:20:52 PM
Subject: FW: Emergency Response: R7 dispatching OSC's to Magellan pipeline spill northern Iowa
Spill Summary Report for NRC Report 1169441.pdf

For your awareness

Thanks ng

Nancy Grantham

Office of Public Affairs

US Environmental Protection Agency

202-564-6879 (desk)

Personal Phone/Ex. 6 (mobile)

From: Carey, Curtis

Sent: Wednesday, January 25, 2017 11:13 AM

To: Press <Press@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Hull, George <Hull.George@epa.gov>; Richardson, RobinH <Richardson.RobinH@epa.gov>; Bowles, Jack <Bowles.Jack@epa.gov>

Cc: Kelley, Jeff <kelley.jeff@epa.gov>; Bryan, David <Bryan.David@epa.gov>; Brees, Angela <Brees.Angela@epa.gov>; Flourney, Karen <Flourney.Karen@epa.gov>; Chu, Ed <Chu.Ed@epa.gov>; Peterson, Mary <Peterson.Mary@epa.gov>

Subject: Emergency Response: R7 dispatching OSC's to Magellan pipeline spill northern Iowa

R7 Superfund Division is dispatching two OSCs to a Magellan pipeline spill up near the Iowa / Minnesota border. Region 5 is supporting R7 by sending an OSC who is in closer proximity to the spill. EPA R7 is coordinating with R5, IDNR and local Emergency Management officials. The PIO in R7 is David Bryan.

Initial reports are that there may have been 1,500 – 2,500 barrels (63,000 – 105,000 gallons) of diesel released. EPA R7 has confirmed that there are no downstream drinking water intakes or tribal lands immediately downstream from the spill in Worth County, Iowa. Willow Creek flows into the Winnebago River, which flows southeast towards Mason City.

The closest town is Hanlontown, Iowa. IDNR has dispatched Carl Berg from the local IDNR field office.

Magellan has deployed multiple response and recovery resources.

We will send out an update when we have an on-site presence.

There is inclement weather in the area – a foot of blowing snow and all roads in northern Iowa are snow packed.

Curtis D. Carey, Ph.D.

Public Affairs Director

U.S. Environmental Protection Agency

Region 7 (Kansas, Missouri, Nebraska, Iowa & Nine Tribes)

(913) 551-7506

epa.gov | epa.gov/region7 | <http://blog.epa.gov/bigbluethread>



Spill Summary Report for NRC Report #1169441

Report Date: 1/25/2017

Report Time: 9:58 AM EST

Region V Hotline Log Entry Information

Data ID:2090327

Date Of Report: 25-JAN-17 06:30

NRC #: 1169441

State #:

ERNS #:

Material Type:Oil

Receiver: Gulch

Material / Amount: OIL: DIESEL (2500 BARREL(S));

Location: City:
County: RICE
State: MN

Source of Pollution: MAGELLAN PIPELINE

Water Body: Unknown

State Or EPA Responded:

Initial EPA Action: Mobilized OSC Morrison

Status: 1 - Pending

URL:

Associated Action Reports

DataID:1013524

Date: 2017/01/25	Time: 07:20	Submitted by: R05 Duty Officer
Duty Officer/Responder Name: Gulch	NRC Report #: 1169441	Hotline Log DataID: 2090327
Action Information		
Description: On January 25, 2017 at approximately 06:15 EST, Magellan Pipeline reported an alarm and estimated 2,500 barrel (107,500 gallon) release of diesel fuel from a 12" pipeline due to unknown reasons between Dodge City, Iowa and Faribault, Minnesota. The Responsible Party (RP) is mobilizing personnel and contactors to begin investigating the pipeline pressure alarm and probable release of diesel fuel. EPA has mobilized OSC Morrison to assess the threat of release to a waterway and oversee the Responsible Party (RP) clean-up. The Oil Pollution Act (OPA) fund has been opened to fund the investigation.		
Person Contacted		
Name: David Morrison Organization: EPA Phone #:		

NRC Spill Report

NATIONAL RESPONSE CENTER 1-800-424-8802

GOVERNMENT USE ONLYGOVERNMENT USE ONLY***

Information released to a third party shall comply with any applicable federal and/or state Freedom of Information and Privacy Laws

Incident Report # 1169441

INCIDENT DESCRIPTION

*Report taken by: CIV BRANDON WEATHERLY at 06:30 on 25-JAN-17

Incident Type: PIPELINE

Incident Cause: UNKNOWN

Affected Area:

Incident was discovered on 25-JAN-17 at 05:15 local incident time.

Affected Medium: UNKNOWN /UNKNOWN

REPORTING PARTYName: MATTHEW SMITH
Organization: MAGELLAN PIPELINE

TULSA, OK

PRIMARY Phone: (918)5747803

Type of Organization: PRIVATE ENTERPRISE

SUSPECTED RESPONSIBLE PARTYName: MATTHEW SMITH
Organization: MAGELLAN PIPELINE

TULSA, OK

PRIMARY Phone: (918)5747803

Type of Organization: PRIVATE ENTERPRISE

INCIDENT LOCATION

BETWEEN MASON CITY AND FARIBAULT, MN County: RICE

State: MN

RP DOES NOT HAVE EXACT LOCATION INFORMATION AT THE TIME OF THE REPORT.

RELEASED MATERIAL(S)CHRIS Code: ODS Official Material Name: OIL: DIESEL
Also Known As:

ED_001612_00024235-00001

DESCRIPTION OF INCIDENT

THE RP IS REPORTING A DISCHARGE OF DIESEL FUEL DUE TO UNKNOWN CAUSES. RP STATED THAT A "CODE RED" ALARM WAS ACTIVATED FOR THE DISCHARGE. RP STATED THE PRODUCT HAS DISCHARGED FROM A 12" TRANSMISSION PIPELINE. NO REPORTED INJURIES OR EVACUATIONS AT THIS TIME. THE ENVIRONMENTAL IMPACTS ARE CURRENTLY UNKNOWN.

**RP HAD VERY LIMITED INFORMATION AT THIS TIME.

INCIDENT DETAILS

Pipeline Type: TRANSMISSION
DOT Regulated: YES
Pipeline Above/Below Ground: BELOW
Exposed or Under Water: NO
Pipeline Covered: UNKNOWN

IMPACT

Fire Involved: NO Fire Extinguished: UNKNOWN
INJURIES: NO Hospitalized: Empl/Crew: Passenger:
FATALITIES: NO Empl/Crew: Passenger: Occupant:
EVACUATIONS: NO Who Evacuated: Radius/Area:
Damages: NO

		Hours	Direction of
<u>Closure Type</u>	<u>Description of Closure</u>	<u>Closed</u>	<u>Closure</u>
Air:	N		
Road:	N		Major Artery: N
Waterway:	N		
Track:	N		

Passengers Transferred: NO
Environmental Impact: UNKNOWN
Media Interest: UNKNOWN Community Impact due to Material:

REMEDIAL ACTIONS

CREWS ARE ENROUTE TO ASSESS THE SPILL.
IN THE PROCESS OF SECURING THE LINE.
Release Secured: YES
Release Rate:
Estimated Release Duration:

WEATHER

Weather: UNKNOWN, 16°F

ADDITIONAL AGENCIES NOTIFIED

Federal:
State/Local:
State/Local On Scene:
State Agency Number:

NOTIFICATIONS BY NRC

CENTERS FOR DISEASE CONTROL (GRASP)
25-JAN-17 06:40 (770)4887100
DHS DEFENSE THREAT REDUCTION AGENCY (CHEMICAL AND BIOLOGICAL TECHNOLOGIES DEPAR
25-JAN-17 06:40 (703)7673477
MI OFFICE OF INTEL AND ANALYSIS (FIELD OPERATIONS DIVISION)
25-JAN-17 06:40 (919)9674500
DHS PROTECTIVE SECURITY ADVISOR (PSA DESK)
25-JAN-17 06:40 (703)2355724
DOT CRISIS MANAGEMENT CENTER (MAIN OFFICE)
25-JAN-17 06:40 (202)3661863
U.S. EPA V (MAIN OFFICE)
25-JAN-17 06:42 (312)3532318 OSC GULCH
U.S. EPA V (OUTSTATION ST. PAUL)
25-JAN-17 06:40 (317)4170980
MN BUREAU OF CRIMINAL APPREHENSION (OPERATIONS CENTER)
25-JAN-17 06:40 (651)6495451
MN DEPT OF HEALTH (MAIN OFFICE)
25-JAN-17 06:40
MN U.S. ATTORNEY'S OFFICE (MAIN OFFICE)
25-JAN-17 06:40 (612)6645742
NATIONAL INFRASTRUCTURE COORD CTR (MAIN OFFICE)

25-JAN-17 06:40 (202)2829201
NOAA RPTS FOR MN (MAIN OFFICE)
25-JAN-17 06:40 (206)5264911
NATIONAL RESPONSE CENTER HQ (AUTOMATIC REPORTS)
25-JAN-17 06:40 (202)2671136
NRC COMMAND DUTY OFFICER (MAIN OFFICE)
25-JAN-17 06:47 (202)2672100 LT CARTER
NTSB PIPELINE (MAIN OFFICE)
25-JAN-17 06:40 (202)3146293
PIPELINE & HAZMAT SAFETY ADMIN (OFFICE OF PIPELINE SAFETY (AUTO))
25-JAN-17 06:40 (202)3660568
RED CLIFF BAND LK SUPERIOR CHIPPAWA (TREATY NATURAL RESOURCES DIVISION)
25-JAN-17 06:40 (715)7793700
OFFICE OF ENV. POLICY & COMPLIANCE (MAIN OFFICE)
25-JAN-17 06:40 (215)5975012

ADDITIONAL INFORMATION

**IN THE PROCESS OF MAKING NOTIFICATIONS.

**RP STATED THAT THE 2500 BARRELS IS THEIR CURRENT ESTIMATE OF THE SPILL VOLUME.

*** END INCIDENT REPORT # 1169441 ***
Report any problems by calling 1-800-424-8802
PLEASE VISIT OUR WEB SITE AT <http://www.nrc.uscg.mil>

To: Whitt Sessoms[Personal Email/Ex. 6]; Hupp, Sydney[hupp.sydney@epa.gov]
Cc: Pruitt, Scott[Pruitt.Scott@epa.gov]; Munoz, Charles[munoz.charles@epa.gov]; Schnare, David[schnare.david@epa.gov]; Kreutzer, David[kreutzer.david@epa.gov]; Ericksen, Doug[ericksen.doug@epa.gov]; Greaves, Holly[greaves.holly@epa.gov]; Schwab, Justin[schwab.justin@epa.gov]; Benton, Donald[benton.donald@epa.gov]
From: Valentine, Julia
Sent: Fri 3/31/2017 2:31:38 PM
Subject: RE: Clean Water Act and Meeting

Hi Whit,

I am copying Sydney Hupp, the Administrator's scheduler. She will be your best contact. And thank you for sending everything in an email.

Very best,

Julia Valentine

Julia P. Valentine

Assoc. Dir./Acting Dir.
U.S. EPA, Ofc of Media Relations

202.564.2663 direct

Personal Phone/Ex. 6 m/txt

From: Whitt Sessoms [mailto:Personal Email/Ex. 6]
Sent: Thursday, March 30, 2017 11:24 AM
To: Valentine, Julia <Valentine.Julia@epa.gov>
Cc: Pruitt, Scott <Pruitt.Scott@epa.gov>; Munoz, Charles <munoz.charles@epa.gov>; Schnare, David <schnare.david@epa.gov>; Kreutzer, David <kreutzer.david@epa.gov>; Ericksen, Doug <ericksen.doug@epa.gov>; Greaves, Holly <greaves.holly@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>; Benton, Donald <benton.donald@epa.gov>
Subject: Clean Water Act and Meeting

Hi Julia,

Great talking with you this week and I sincerely appreciate your offer to connect me

with the right people within the EPA to set up a meeting. As you may have gathered from our brief phone conversation, I am very excited about President Trump's vision with regards to the EPA and Administrator Pruitt with his vision and position with the agency. I would like to meet with the appropriate member(s) of the President's transition team that to the best of my ability have copied on this email. Also, I need to give you a little background on my purpose of the meeting.

First let me disclose to you that I am in the real estate development business in southeast Virginia and northeast North Carolina. I have developed many tracts of land requiring me to deal with wetland issues, beach dune issues, and many other facets of government oversight. I have been active specifically in Virginia Beach Va., Currituck County, N.C., and Dare County, N.C. In addition, relating to the purpose of my meeting request with the abovementioned EPA representatives, I would like for you to know I have served on several regulatory boards and commissions at the pleasure of the Va. Beach City Council and previous Governors of Virginia. In particular, I served on the:

1. Governor's Regulatory Reform Advisory Board
2. Beaches and Waterways Advisory Commission
3. Board on Conservation and Development of Public Beaches
4. Congressional Fishing Advisory Board
5. Virginia Marine Resources Commission

The abovementioned boards and commissions are responsible for:

1. Regulatory policy, rule and code making
2. Approving and crafting the required public hearing process for potential regulations, statutes and rules
3. Enacting and administering action for violations of various laws and statutes
4. Permit granting
5. Working with scientist to assist in crafting proposed legislation and to set standards in determining the success and failure of the program and initiative
6. Hearing violators of regulations and laws and meting the appropriate penalty

Again, relating to the proposed abovementioned meeting, in my business I have and continue to deal and interact with the following federal, state, and local regulatory agencies, government bodies, and authorities:

1. U.S. Environmental Protection Agency

2. Army Corp. of Engineers
3. U.S. Fish and Wildlife Service
4. U.S. State Department
5. National Marine Fisheries
6. North Carolina Department of Environmental Quality
7. Currituck County Planning
8. Dare County Planning
9. North Carolina Department of Transportation
10. Virginia Department of Transportation
11. Virginia Department of Environmental Quality
12. Virginia Institute of Marine Science
13. Virginia Marine Resources Commission
14. City of Virginia Beach Planning, Zoning, and Waterfront Operations
15. County of Mecklenburg Planning and Zoning
16. Surface Transportation Board
17. Economic Development Partnership of North Carolina
18. NCEast Alliance
19. Virginia Beach Economic Development
20. Virginia Port Authority
21. Nature Conservancy

So, as you can see, I have a tremendous amount experience dealing with local, state, and federal environmental, economic development, and other government issues pertaining to land and water bodies. I have to admit, of all of the agencies, departments, boards and commissions I have dealt with and/or served on, the one that appears to exert the greatest non sanctioned overreach enabled by lack of self-governance from

within and further perpetuated by executive orders coupled with a systemic lack of public input from major stakeholders on rule, policy, and code making is the U.S. Environmental Protection Agency! By major stakeholders I mean individuals and entities that own significant tracts of land that are severely impacted by new and existing laws, policies, and codes of the Clean Water Act. The EPA has the wetland inventory at its fingertips that should be used as a database of those affected property owners who need to be contacted to give input to new laws and regulations that directly affect the value of their property. Use me as an example. I own and have owned several large parcels that have required me to deal with the ACOE/EPA. Also I have had direct business dealings with Fish and Wildlife to acquire my property with their consulting the EPA and I have not received any request or notification for public input from the EPA pertaining to a new rule, regulation, or law in the last twenty years nor has any notification been in a local newspaper or any other communication that reaches out to stakeholders. Please note my attached letter to Administrator Pruitt along with the attached summary from my environmental engineer substantiating certain issues I mention above.

I need to disclose an interaction I had with the ACOE pertaining to a field visit to a property of mine in Currituck County in North Carolina as it relates to the Clean Water Act and somewhat showcases my frustration. I had the property under contract that required a letter from the ACOE that they did not have jurisdiction over the tract. They were from the Wilmington office and we met on the property several years ago. It was a 40 acre farm that had been cultivated for the last 150 years and located on US 158 in Currituck County NC. The ACOE representatives on site initially stated the whole farm was under their jurisdiction because the drainage ditches drained into a two foot pipe under US 158 which then emptied into Currituck Sound. They stated that the ditches were "navigable" thus were "waters of the U.S." When I asked how the two foot wide ditches were navigable under the Clean Water Act, they stated because they would pass the "canoe test" meaning if you could float a canoe in the water in the ditch, then it was navigable! Of course after engaging several elected officials representing that area they talked sense into the ACOE and in the end I did not need a permit to develop the farmed area and I closed on the property. I also sold several tracts to the Fish and Wildlife and their employee went through with me the same process with regards to them buying our property to expand the Currituck National Wildlife Refuge. With all of my interaction with the ACOE pertaining to Clean Water Act issues, and all of the above-mentioned boards and commissions I have served on and dealt with, I have never been notified or seen a notification in an official or unofficial capacity of an EPA act or proposed code, rule, or any other action.

After exhaustive "schooling" on the Clean Water Act from my own experience and tutoring by my environmental engineers, I have become very concerned with the over reach and inverse condemnation that the Act has become and created over time. Looking at the original intent of the act as being the protection of tidal wetlands, marshes, and bogs, it is now reclassifying many more types of land as wetlands that were not wetlands in the past based and this gross expansion is based on no scientific reason. The best example is "Flatwoods or Winter Wet Woods" defined by the EPA as wet for "extended periods". These woods and forests are traditional woods or forests

with traditional vegetation and leaves covering the earth. Sometimes after a rain event, puddling occurs in small areas as it does everywhere that is flat. This commonplace occurrence now creates a "wetland" under the jurisdiction of the EPA/ACOE that was not a wetland previously. Note the following link....

<https://books.google.com/books?id=ZBQNDgAAQBAJ&pg=PA422&lpg=PA422&dq=winter+wet+wood>

which is a book titled: Wetland Indicators a Guide to Wetland Formation, Identification, Delineation, Classification, and Mapping. Page 428 states: "Complex landscapes pockmarked with small wetlands and small drylands make it practically impossible to separate wetlands from drylands." This in fact categorizes 90% of the land in southeast Virginia and northeast North Carolina. This coupled with the recent inclusion of loblolly pine trees as an indicator of wetlands goes past reasonability. Pines are found all over the entire states of Virginia and North Carolina.....tidewater, piedmont, and mountainous regions To make it even more frustrating, Loblolly pines cannot even physically grow in traditional wetland areas. This further deems non wetland areas as wetlands. . To make this even more interesting, I have an application in at the Norfolk office of the ACOE for a site visit to a property I own in the middle of Virginia Beach on the fringe of the Resort Area District. The city wants to buy this tract and it would be for a use that would generate numerous jobs and be a big help to our resort trade that generates \$1.4 billion dollars to the city economy. The city wants a letter from the ACOE stating they do not have jurisdiction over the parcel which is an elevated wooded forest with a stand of 100 year old pines that is dry with simply a leaf matting covering the ground. This is how skittish buyers of any property in the tidewater areas of North Carolina and Virginia have become because of the unpredictability of the EPA and ACOE.

These overreaching rules, laws, and codes which were changed by re-writing the regulations and not amending the original Clean Water Act make a significant part of coastal areas wetlands for no reason at all. So in other words these changes to the Clean Water Act did not even go back to Congress for a vote. This has devastating long-lasting effects on the local economies and creates a significant financial hardship and ruin to hard working families who thought they owned properties as investment that were developable and in many cases were their retirement savings only to be notified upon their wish to sell that the property that it was now a wetland and not developable therefor of little value because the mitigation in most cases cost more than the value of the land.

With all of this being said, I would appreciate the opportunity if you could assist me in setting up a meeting with any of the new incoming transition or landing team members appointed by President Trump that are willing to hear what I have to say that may give them a more accurate picture of the agency they will be running. Again, it was a pleasure speaking with you this week and I sincerely appreciate your offer to help me set up a meeting. As I mentioned, Senator Bill DeSteph would like to attend the meeting and once we have a couple of dates, there are other state and federal elected officials I would like to invite to the meeting. Lastly, I have experience dealing with the State Department too, I would be happy to share some of those stories with Presidents incoming transition team pertaining to that department, a lot of work to be done there too.....talk to you soon!

With Best Regards,

Whitt G. Sessoms, III

Cape Development and Real Estate Co.

524 Winston Salem Ave.

Virginia Beach, Virginia 23451

Cell – Personal Address/Ex. 6

<<...>>

To: Kreutzer, David[kreutzer.david@epa.gov]
Cc: Ericksen, Doug[ericksen.doug@epa.gov]; Konkus, John[konkus.john@epa.gov]
From: Stephen Munro (BLOOMBERG/ BNEF)
Sent: Mon 2/6/2017 9:37:34 PM
Subject: Re: Hello.
[Launch invitation 020817.pdf](#)

Hi David:

On Wednesday BNEF will present our 2017 Sustainable Energy in America Factbook, focusing on the renewable technologies you'd expect plus natural gas and energy efficiency. High volume of new data.

Location is Bloomberg's office at 12th and K NW. We'd be honored to host you or your designee from the EPA transition team.

Invitation attached. Please RSVP directly to me. Thanks and regards.

Stephen Munro
Policy & International
BLOOMBERG New Energy Finance
+1 [Personal Phone/Ex. 6](#)
www.bnef.com

From: kreutzer.david@epa.gov At: 02/02/17 17:24:02
To: Stephen Munro (BLOOMBERG/ BNEF)
Cc: ericksen.doug@epa.gov, konkus.john@epa.gov
Subject: Re: Hello.

We've been asked to hold off on meetings outside of EPA for at least a couple of weeks more.

Our media people are handling all inquiries.

John Konkus and Doug Ericksen are the media folk and are copied on this message.

David

Sent from my iPhone

On Feb 2, 2017, at 4:02 PM, Stephen Munro (BLOOMBERG/ BNEF)
<[Personal Email/Ex. 6](#)> wrote:

Hi David, I'd still like to get together and compare notes over lunch. Do you have any availability in the coming week?

From: Stephen Munro (BLOOMBERG/ BNEF) At: 12/19/16 14:44:35
To: David.Kreutzer@heritage.org
Subject: RE: Hello.

Ha!

Listen, I'm all about New Urbanism but let's wait till after I.D.
Redskins optional.
Talk to you then.

From: David.Kreutzer@heritage.org At: 12/19/16 14:38:55
To: Stephen Munro (BLOOMBERG/ BNEF)
Subject: RE: Hello.

Being on the transition team puts me in an awkward situation. I've signed a stack of forms pledging my first born as collateral if I talk about any EPA/transition area of interest (very broadly defined) with anybody outside of the transition. So, until January 20, I can't talk about energy, climate, or environmental policy in general. Unless you want to talk about the Redskins, or Paleo New Urbanism (my knowledge, such as it was, of New Urbanism stop at the point where I left local elected office, 15-20 years ago), we'll have to wait a month.

Thanks,

David

David W. Kreutzer, Ph.D.
Senior Research Fellow, Energy Economics and Climate
Change
Institute for Economic Freedom and Opportunity
The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002
202-608-6298
heritage.org

From: Stephen Munro (BLOOMBERG/ BNEF)
[\[mailto:smunro11@bloomberg.net\]](mailto:smunro11@bloomberg.net)

Sent: Monday, December 19, 2016 2:07 PM
To: Kreutzer, David
Subject: Hello.

Hi David,
Thanks for accepting my LinkedIn invitation.
Wondering if you're free for lunch between now and 2017?
I'm not a working journalist, and it would not be for the record.
Regards.

Stephen Munro
Policy & International
BLOOMBERG New Energy Finance
Personal Phone/Ex. 6
www.bnef.com

Nothing contained in this e-mail constitutes or shall be construed as an offering of financial instruments or as investment advice or recommendations of an investment strategy or whether or not to "buy", "sell", or "hold" an investment.

Nothing contained in this e-mail constitutes or shall be construed as an offering of financial instruments or as investment advice or recommendations of an investment strategy or whether or not to "buy", "sell", or "hold" an investment.

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You are Invited to the Release of the

2017 Sustainable Energy in America Factbook

Date: Wednesday, February 8, 2017
Time: 12:00 – 2:00 pm, Lunch will be provided
Location: The Offices of Bloomberg LP, 1101 K Street NW, 5th Floor, Washington, DC 20005
To Register: <http://bit.ly/Factbook2017DC>
Registration & photo ID are required for entry.

For the fifth year in a row, Bloomberg New Energy Finance (BNEF) and the Business Council for Sustainable Energy (BCSE) have produced the *Sustainable Energy in America Factbook*, which provides the latest industry information & trends from the energy efficiency, natural gas & renewable energy sectors in the United States.

Welcome Remarks and Factbook Overview:

- Ethan Zindler, Head of Americas, Bloomberg New Energy Finance
- Colleen Regan, Head of Environmental Markets and Cross-sector Research, North America, BNEF

Featured Industry Panelists:

- Lisa Jacobson, President, Business Council for Sustainable Energy
- Paula Soos, Vice President, Government Relations, Covanta
- Jack Thirolf, Senior Director of Regulatory Affairs, Enel Green Power North America, Inc.
- Mark Wagner, Vice President, Government Relations, Johnson Controls
- Jeff Leahey, Deputy Executive Director, National Hydropower Association

Topics to be discussed:

- What is the cost of energy for consumers and businesses, and how has this evolved?
- Which energy technologies are the most competitive?
- Are the recent changes in the US energy mix structural, or temporary?
- How is energy efficiency impacting US economic competitiveness?
- How are utilities investing in the future of America's energy infrastructure?
- How does the US rank globally in terms of clean energy investment?

Register Now!

The *Sustainable Energy in America Factbook* is commissioned by the BCSE and supported by the generous contributions of the following members: American Gas Association, American Wind Energy Association, Ameresco, Calpine Corporation, Covanta Energy, Enel Green Power North America Inc., First Solar, Ingersoll Rand, Johnson Controls, Jupiter Oxygen Corporation, National Grid, National Hydropower Association, Polyisocyanurate Insulation Manufacturers Association, Sacramento Municipal Utility District, Sempra Energy, Solar Energy Industries Association.

For more information, please contact Andy Barnes at the BCSE, E-mail: abarnes@bcse.org, Tel: 202-785-0507.

From: Anderson, Denise
Location: Alm Conference Room
Importance: Normal
Subject: Briefing with Office of Land and Emergency Management (OLEM)
Categories: Record Saved - Shared
Start Date/Time: Tue 1/31/2017 3:00:00 PM
End Date/Time: Tue 1/31/2017 3:45:00 PM
OLEMPresentation.Final.1.31.17.pptx

SCt: Denise Anderson, 564-1782

To: Bangerter, Layne[bangerter.layne@epa.gov]; Benton, Donald[benton.donald@epa.gov]; Davis, Patrick[davis.patrick@epa.gov]; Ericksen, Doug[ericksen.doug@epa.gov]; Greaves, Holly[greaves.holly@epa.gov]; Kreutzer, David[kreutzer.david@epa.gov]; Munoz, Charles[munoz.charles@epa.gov]; Schnare, David[schnare.david@epa.gov]; Schwab, Justin[schwab.justin@epa.gov]; Sugiyama, George[sugiyama.george@epa.gov]
From: Ousley, Jennifer
Sent: Mon 1/23/2017 10:02:15 PM
Subject: Welcome to our EPA Team!

Jennifer Ousley

US Environmental Protection Agency

11201 Renner Boulevard Lenexa, Kansas 66219

913-551-7498 913-551-9498 fax

"Remember you are here for a reason and what ever you just did was part of it. Remember if something happens it was exactly what was meant to happen and believe it or not, it was probably for your good in some way ☺"

To: Kreutzer, David[kreutzer.david@epa.gov]
Cc: Ericksen, Doug[ericksen.doug@epa.gov]; Konkus, John[konkus.john@epa.gov]
From: Doug Obey
Sent: Wed 2/15/2017 3:34:55 PM
Subject: Re: budget cuts at EPA regional offices

Ok, thanks.

On 2/15/2017 10:33 AM, Kreutzer, David wrote:

> No I'm not.

>

> I've copied our comms guys, Doug Ericksen and John Konkus, who are handling all communication for the transition team at EPA.

>

> David

>

> Sent from my iPhone

>

>> On Feb 15, 2017, at 10:16 AM, Doug Obey <doug.obey@iwpnews.com> wrote:

>>

>> Greetings.

>>

>> Are you in a position to chat, even on background, about possible proposed budget cuts to EPA regional offices as a way to avoid duplication with state environmental activities?

>>

>> Thanks.

>>

>>

>> --

>> Doug Obey

>> Senior Editor

>> Inside EPA -- Climate

>> 703-416-8575

>>

>>

--

Doug Obey

Senior Editor

Inside EPA -- Climate

703-416-8575

Cc: Kreutzer, David[kreutzer.david@epa.gov]; Ericksen, Doug[ericksen.doug@epa.gov]
To: Davenport, Coral[coral.davenport@nytimes.com]
From: David Kreutzer
Sent: Mon 1/23/2017 8:54:23 PM
Subject: Re: congrats

Thanks. For the moment, anyway, I have to refer you to our acting comms person, Doug Erickson, 202.564.3131, who is copied in this message.

David

Sent from my iPhone

On Jan 23, 2017, at 3:18 PM, Davenport, Coral <coral.davenport@nytimes.com> wrote:

On the move to EPA! What position are you holding there? What's your new work email?
And would you have a moment to chat?
Cheers,
Coral

--

Coral Davenport
Energy and Environment Correspondent
The New York Times
Washington Bureau
1627 I St. NW, Suite 700
Washington, DC 20006
coral.davenport@nytimes.com
O 202-862-0359
C Personal Phone/Ex. 6
Twitter @CoralMDavenport

Cc: Ericksen, Doug[ericksen.doug@epa.gov]
To: Kreutzer, David[kreutzer.david@epa.gov]; Konkus, John[konkus.john@epa.gov]
From: David Kreutzer
Sent: Sun 2/26/2017 11:28:04 PM
Subject: Fwd: Referral from Ben Zycher
removed.txt

Here's a request.

Sent from my iPhone

Begin forwarded message:

From: "Goss, Rick" <rgoss@itic.org>
Date: February 26, 2017 at 11:46:08 AM EST
To: "david@ Personal Email/Ex. 6" <david@ Personal Email/Ex. 6>
Cc: 'Benjamin Zycher' <Benjamin.Zycher@AEI.org>, "Cleet, Christopher" <ccleet@itic.org>
Subject: Referral from Ben Zycher

Dear Mr. Kreutzer,

Ben Zycher (copied) provided me with your name and contact information. My organization, the Information Technology Industry Council, represents the high-tech sector on a range of domestic and international policy priorities. As part of our practice, we run two annual environmental meetings for our members.

Ben was scheduled to speak on energy and environmental policy issues at our upcoming session on March 14-15, but he unfortunately has had a conflict arise and is now unavailable. With Mr. Pruitt now confirmed as EPA Administrator, I asked Ben if he could recommend someone who might be able to help us secure a speaker from the political level within the Agency. Our member companies would like to hear straight from the Trump Administration regarding tech priorities in the energy and environment space, including chemicals use and management; energy policy; environmental purchasing; etc.

We are hosting our meeting at the Waterview Conference Center in Rosslyn. These meetings are limited to ITI members and invited guests, are closed to the

press, and are run under Chatham House Rules. We typically have between 60-70 member company attendees – an even mix of company legal/compliance experts, government relations personnel, and process engineer/science experts.

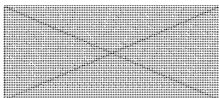
Please let me know if you could help us identify a speaker from the Agency. I'm happy to provide any additional details.

Thanks in advance.

Best,

Rick

Rick Goss
Senior Vice President of Environment and Sustainability
Information Technology Industry Council
1101 K Street NW, Suite 610
Washington, DC 20005
202-626-5724
Email: rgoss@itic.org
Website: www.itic.org



Please consider the environment before printing this e-mail.

To: Benton, Donald[benton.donald@epa.gov]; Schnare, David[schnare.david@epa.gov]; Greaves, Holly[greaves.holly@epa.gov]; Sugiyama, George[sugiyama.george@epa.gov]; Bangerter, Layne[bangerter.layne@epa.gov]; Schwab, Justin[schwab.justin@epa.gov]; Munoz, Charles[munoz.charles@epa.gov]; Davis, Patrick[davis.patrick@epa.gov]; Kreutzer, David[kreutzer.david@epa.gov]; Ericksen, Doug[ericksen.doug@epa.gov]
Cc: Grantham, Nancy[Grantham.Nancy@epa.gov]
From: Grantham, Nancy
Sent: Sat 1/21/2017 9:36:23 PM
Subject: Link to senior leader biography examples on EPA's website.

Greetings,

It was a pleasure meeting all of you today. Below please find a link that will take you to examples of senior leader biographies on EPA's website.

Please let us know if you have any questions.

Thank you.

<https://www.epa.gov/aboutepa/epa-organization-chart>

Nancy Grantham

Office of Public Affairs

US Environmental Protection Agency

202-564-6879 (desk)

Personal Phone/Ex. 6 (mobile)

To: Kreutzer, David[kreutzer.david@epa.gov]
Cc: MARKINA Irina (EEAS-WASHINGTON)[Irina.MARKINA@eeas.europa.eu]; DRAKIC Marina (EEAS-WASHINGTON)[Marina.DRAKIC@eeas.europa.eu]; Konkus, John[konkus.john@epa.gov]; Ericksen, Doug[ericksen.doug@epa.gov]
From: VAREILLE Fabrice (EEAS-WASHINGTON)
Sent: Fri 2/3/2017 5:18:15 PM
Subject: RE: Catching-up
removed.txt

David,

Thanks a lot for your quick reply. I understand the situation and appreciate well that the transition process is a very work-intensive one. I wish you good luck with that.

I'll be in touch again in the near future, when Mr Pruitt is finally confirmed and hope we will then be able to exchange on issues of transatlantic / international relevance.

Best regards,

Fabrice

From: Kreutzer, David [mailto:kreutzer.david@epa.gov]
Sent: Friday, February 03, 2017 11:28 AM
To: VAREILLE Fabrice (EEAS-WASHINGTON)
Cc: MARKINA Irina (EEAS-WASHINGTON); DRAKIC Marina (EEAS-WASHINGTON); Konkus, John; Ericksen, Doug
Subject: RE: Catching-up

Fabrice,

I think that could be a good idea, but I'm going to have to push it back at least a few weeks—certainly no meetings before the new Administrator gets in place. Because of the workload here and because of some miscommunications that have made headlines, we have been asked to put a pause on our external meetings.

We understand the importance of keeping lines of communication open, but for now those lines run through our communications people—Doug Erickson and John Konkus (copied). Once we get settled, I expect we will be able to have more direct communication.

Hope you understand,

David

From: VAREILLE Fabrice (EEAS-WASHINGTON) [<mailto:Fabrice.Vareille@eeas.europa.eu>]
Sent: Friday, February 3, 2017 10:48 AM
To: Kreutzer, David <kreutzer.david@epa.gov>
Cc: MARKINA Irina (EEAS-WASHINGTON) <Irina.MARKINA@eeas.europa.eu>; DRAKIC Marina (EEAS-WASHINGTON) <Marina.DRAKIC@eeas.europa.eu>
Subject: Catching-up

Hello David,

You may remember our short chat back in December in the margin of the Climate and Energy Summit organized a Heritage.

With Cabinet member's confirmation moving forward, it would be really useful to get an update regarding the possible direction of future US energy, climate and environmental policies as you see them.

Would you have some time available next week ? If that was of interest for you I could put together a small group of European colleagues interested in forthcoming developments and recommendations you may make to the new administration, so that you kill several birds with one stone.

Best regards,

Fabrice

Fabrice Vareille

Minister Counsellor

Head of Global Issues and Innovation

Delegation of the European Union to the United States of America

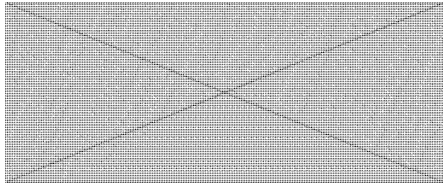
Phone: +1 202 862 9570

Fax: +1 202 429 1766

Office: 2175 K ST NW, Washington, DC 20037, USA

Email : Fabrice.Vareille@eeas.europa.eu

Web: <http://www.eurunion.org> | twitter.com/EUintheUS | facebook.com/EUintheUS



Help save paper - do you need to print this email?

Cc: Kreutzer, David[kreutzer.david@epa.gov]; Ericksen, Doug[ericksen.doug@epa.gov]
To: Evan Lehmann[elehmann@eenews.net]
From: David Kreutzer
Sent: Fri 1/27/2017 2:14:05 AM
Subject: Re: Press Request

Please contact Doug Ericksen, copied.

Sent from my iPhone

On Jan 26, 2017, at 3:54 PM, Evan Lehmann <elehmann@eenews.net> wrote:

Hi David,

Can we please speak briefly today or tomorrow morning? I'm working on a story about the endangerment finding and your insights would be really valuable. We can talk on background if you prefer.

Thank you,

Evan

Evan Lehmann

Climatewire deputy editor, E&E News

elehmann@eenews.net

202-446-0462 (office)

Personal Phone/Ex. 6 (mobile)

Twitter: [@evanlehmann](https://twitter.com/evanlehmann)

E&E NEWS

122 C Street NW 7th Floor Washington, DC 20001

www.eenews.net | [@EENewsUpdates](#)

Energywire, Climatewire, Greenwire, E&E Daily, E&E News PM, E&ETV

To: Kreutzer, David[kreutzer.david@epa.gov]; colmanz@csmonitor.com[colmanz@csmonitor.com]
Cc: Ericksen, Doug[ericksen.doug@epa.gov]
From: Konkus, John
Sent: Wed 2/22/2017 10:34:27 PM
Subject: RE: Endangerment finding

Zack please send all questions to press@epa.gov. Thank you.

-----Original Message-----

From: Kreutzer, David
Sent: Wednesday, February 22, 2017 5:32 PM
To: colmanz@csmonitor.com
Cc: Konkus, John <konkus.john@epa.gov>; Ericksen, Doug <ericksen.doug@epa.gov>
Subject: Re: Endangerment finding

For the moment, anyway, all communications are going through John Konkus and Doug Ericksen (copied).

David

Sent from my iPhone

> On Feb 22, 2017, at 5:03 PM, Zack Colman <colmanz@csmonitor.com> wrote:
>
> Hi David,
>
> Zack Colman here with CSMonitor -- we met back in my Washington Examiner/The Hill days and I was one of the annoying reporters who mobbed you at the AEI carbon tax panel a few weeks back (sorry!).
>
> Wanted to know if you had time to chat about the endangerment finding. Had a couple questions about procedure. Spoke to Sen. Inhofe who mentioned the idea of opening up the science and including different findings. Not sure how that would impact the endangerment finding — whether that would mean a less aggressive GHG policy was needed, or whether it is just the beginning of an avenue to submit new literature that would then need to go through the regulatory process.
>
> Anyway, that's not the only question I have with respect to the endangerment finding, but that's a good place to start. Can email me here or get me at 248.563.9744.
>
> Thanks,
>
> -Zack
> --
> Zack Colman
>
> Deputy Energy/Enviro Editor
> Christian Science Monitor
> Knight Science Journalism fellow at MIT, '15-16
> 248.563.9744
> Twitter: @zcolman

To: Kreutzer, David[kreutzer.david@epa.gov]
Cc: Konkus, John[konkus.john@epa.gov]; Ericksen, Doug[ericksen.doug@epa.gov]
From: Zack Colman
Sent: Wed 2/22/2017 10:33:54 PM
Subject: Re: Endangerment finding

Sure thing, David. To Doug and John - would love to strike up a convo on the endangerment finding. Trying to get a better sense of the ins and outs and procedure here. Also, would you mind checking to see that I'm on your email list? I didn't receive any of the releases when Administrator Pruitt was confirmed.

Thanks!

-Zack

On Wed, Feb 22, 2017 at 5:32 PM, Kreutzer, David <kreutzer.david@epa.gov> wrote:

For the moment, anyway, all communications are going through John Konkus and Doug Ericksen (copied).

David

Sent from my iPhone

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>

> Thanks,

>

> -Zack

> --

> Zack Colman

>

- > Deputy Energy/Enviro Editor
- > Christian Science Monitor
- > Knight Science Journalism fellow at MIT, '15-16
- > 248.563.9744
- > Twitter: @zcolman

--

Zack Colman

Deputy Energy/Enviro Editor
Christian Science Monitor
Knight Science Journalism fellow at MIT, '15-16
248.563.9744
Twitter: @zcolman

To: Benton, Donald[benton.donald@epa.gov]; Schnare, David[schnare.david@epa.gov]; Greaves, Holly[greaves.holly@epa.gov]; Sugiyama, George[sugiyama.george@epa.gov]; Bangerter, Layne[bangerter.layne@epa.gov]; Schwab, Justin[schwab.justin@epa.gov]; Davis, Patrick[davis.patrick@epa.gov]; Kreutzer, David[kreutzer.david@epa.gov]; Ericksen, Doug[ericksen.doug@epa.gov]; Munoz, Charles[munoz.charles@epa.gov]; Konkus, John[konkus.john@epa.gov]
Cc: Howard, James[Howard.James@epa.gov]; Allen, Reginald[Allen.Reginald@epa.gov]; Hope, Brian[Hope.Brian@epa.gov]
From: Ferris, Lena
Sent: Thur 2/2/2017 7:57:29 PM
Subject: Todays Records Management Briefing 2/2/2017

Thank you for your attention at today's federal records briefing. I appreciate your focus and candor.

In regards to the software glitch on your laptops for saving your federal records, James Howard, from OAES in the Administrator's office, has arranged for EZ Tech Premier Support to follow up with each of you individually. I know Premier Support has already been able to fix this glitch on some of your computers, and others they will be scheduling time when you are available.

Once all of you have had the software loaded I will schedule separate meetings to ensure you are aware of how the function operates and to work with you to make a decision about how/who you would like to manage your federal records for you.

As a reminder; EPA policy currently does not have a default to automatically save your federal records. It is user driven at this time and must be done manually by the user or a delegate. I am available to provide that service for you or to work with you to identify an alternate.

In the short time it will take to resolve this situation; please do not delete your record worthy material.

Please reach out to me with any concerns you may have and I appreciate James's efforts to get this situation resolved ASAP.

Thank you and welcome to EPA.

Lena Ferris

Records Officer

Office of the Executive Secretariat

Office of the Administrator

202 564 8831

To: Kreutzer, David[kreutzer.david@epa.gov]
Cc: Konkus, John[konkus.john@epa.gov]; Ericksen, Doug[ericksen.doug@epa.gov]
From: Raynolds, Marlo (EC)
Sent: Wed 2/8/2017 5:18:04 PM
Subject: RE: David - Request for brief call - Canada / US

Thanks David for the rapid reply.

John / Doug – let me know when you might have time for a quick call. Thanks.

From: Kreutzer, David [mailto:kreutzer.david@epa.gov]
Sent: 2017 February 08 12:16 PM
To: Raynolds, Marlo (EC)
Cc: Konkus, John; Ericksen, Doug
Subject: Re: David - Request for brief call - Canada / US

Marlo,

Thanks for reaching out. However, this would best be handled by one of our comms guys, John Konkus or Doug Ericksen (copied).

Take care,

David

Sent from my iPhone

On Feb 8, 2017, at 12:11 PM, Raynolds, Marlo (EC) <marlo.raynolds@canada.ca> wrote:

David,

My name is Marlo Raynolds and I am the Chief of Staff to Minister McKenna (Environment Canada).

In anticipation of Mr. Pruitt being confirmed I was hoping you and I might make time for a quick call in advance of the new Administrator and our Minister connecting by phone. She would like to congratulate him when the time is appropriate.

It would also be good to get a sense from you of what you expect to be key priorities in the near term and what areas we might be able to work together on. A number of our files cross the Canada / US border.

Let me know if you can make time for a 15-20 minute call, and who from your office my assistant should connect with to organize a time.

I look forward to working together.

Best,
Marlo

Marlo Raynolds, PhD

Chief of Staff – Office of the Minister of Environment and Climate Change

Chef de cabinet – Bureau du Ministre de l'Environnement et des Changements climatiques

Ph: 819-938-3813

E: marlo.raynolds@canada.ca

To: Kreutzer, David[kreutzer.david@epa.gov]
Cc: Ericksen, Doug[ericksen.doug@epa.gov]; Konkus, John[konkus.john@epa.gov]; Aaron.Annable@international.gc.ca[Aaron.Annable@international.gc.ca]; Rachel.McCormick@international.gc.ca[Rachel.McCormick@international.gc.ca]
From: Liam.Stone@international.gc.ca
Sent: Thur 2/2/2017 3:07:21 PM
Subject: RE: Canadian contact

Thanks very much.

I'm not sure they are going to request a formal meeting, but they may reach out via email to establish a line of contact.

I'm sure you're working extremely long days, I hope things are coming together for you and the new team.

Aaron and/or Rachel (cced here) are with our Embassy Environment section and may be asked to facilitate in future. I'm copying them for awareness.

Regards,

Liam

From: Kreutzer, David [mailto:kreutzer.david@epa.gov]
Sent: February-02-17 9:16 AM
To: Stone, Liam -WSHDC -PI
Cc: Ericksen, Doug; Konkus, John
Subject: RE: Canadian contact

Liam,

Probably me at this point. However, for at least the next couple of weeks we are holding off on meetings and are running all communication through our comms people. For now there are two, John Konkus and Doug Ericksen (both copied).

David

202.564.3113

From: Liam.Stone@international.gc.ca [mailto:Liam.Stone@international.gc.ca]
Sent: Wednesday, February 1, 2017 5:57 PM
To: Kreutzer, David <kreutzer.david@epa.gov>
Subject: Canadian contact

Hi David,

I think Salim mentioned that the office of the Canadian Minister of Environment and Climate Change is eager to reach out to someone on your team in the near future.

Would you mind if I passed along your contact or is there someone else more appropriate to speak to on North America/International issues? The Canadian folks in question are political staff so they will be looking for an equivalent, political contact.

Thanks,

Liam

Liam Stone

Executive Director, Policy

Government of Alberta Washington Office

Embassy of Canada

Personal Phone/Ex. 6

@ABintheUSA

To: Konkus, John[konkus.john@epa.gov]; Ericksen, Doug[ericksen.doug@epa.gov]; Benton, Donald[benton.donald@epa.gov]; Greaves, Holly[greaves.holly@epa.gov]; Sugiyama, George[sugiyama.george@epa.gov]; Schwab, Justin[schwab.justin@epa.gov]; Munoz, Charles[munoz.charles@epa.gov]; Davis, Patrick[davis.patrick@epa.gov]; Kreutzer, David[kreutzer.david@epa.gov]; Schnare, David[schnare.david@epa.gov]; Konkus, John[konkus.john@epa.gov]
From: Grantham, Nancy
Sent: Fri 2/17/2017 11:43:02 PM
Subject: RE: Meet Administrator Pruitt

FYI .. you do not need to RSVP – we have reserved seating for you.

Thanks ng

Nancy Grantham

Office of Public Affairs

US Environmental Protection Agency

202-564-6879 (desk)

Personal Phone/Ex. 6 **(mobile)**

From: Grantham, Nancy
Sent: Friday, February 17, 2017 4:33 PM
To: Konkus, John <konkus.john@epa.gov>; Ericksen, Doug <ericksen.doug@epa.gov>; Benton, Donald <benton.donald@epa.gov>; Greaves, Holly <greaves.holly@epa.gov>; Sugiyama, George <sugiyama.george@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>; Munoz, Charles <munoz.charles@epa.gov>; Davis, Patrick <davis.patrick@epa.gov>; Kreutzer, David <kreutzer.david@epa.gov>; Schnare, David <schnare.david@epa.gov>; Konkus, John <konkus.john@epa.gov>
Subject: FW: Meet Administrator Pruitt

Fyi

Nancy Grantham

Office of Public Affairs

US Environmental Protection Agency

202-564-6879 (desk)

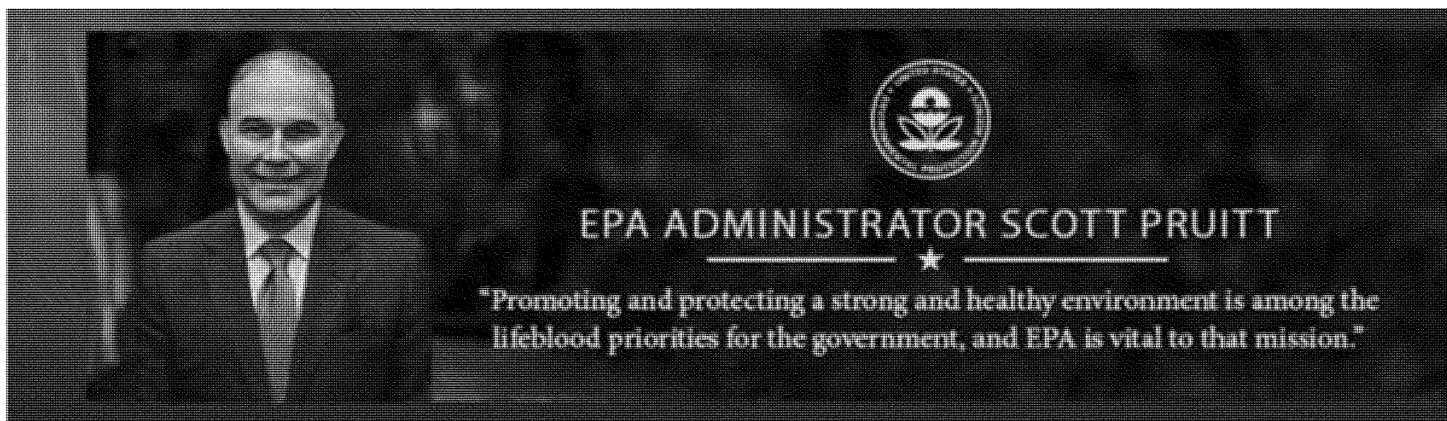
Personal Phone/Ex. 6 (mobile)

From: MassMailer

Sent: Friday, February 17, 2017 4:10 PM

To: MassMailer <massmailer@epa.gov>

Subject: Meet Administrator Pruitt



Please join Administrator Scott Pruitt on Tuesday, February 21, at 12 p.m. EST, as he addresses EPA staff for the first time. The event will be held in the Rachel Carson Green Room. Former Acting Administrator Catherine McCabe will introduce our new Administrator.

There are several options for participating in the event:

- **In person:** The event will be held in the Green Room at the William Jefferson Clinton Federal Building (WJC) in Washington, D.C. Please enter through the WJC **North** entrance no later than 11:45 a.m. EST. As seating is limited, we are asking

staff to kindly RSVP at

You will receive an email confirming that you have a reserved seat; please bring the email with

you on Tuesday morning.

- **EPAtv Viewers:** The event will be broadcast through EPAtv. For those watching on EPA's network, launch Internet Explorer and click on the following link . If prompted for a username and password, enter your correct information. Remember, EPAtv only works on Internet Explorer.

• **Teleworkers:** Unfortunately, EPAtv cannot be accessed while teleworking; therefore, staff wishing to watch the event may view it by clicking on the following link www.epa.gov/live.

• **Listen-only line:** Listen-only phone lines will be available for this event. The operator assisted

call-in number is , and the conference ID number is

• **Recorded Event:** For employees unable to attend in-person or watch live, the recorded event will be available on [EPAtv On-Demand](#) by February 22.

Persons needing reasonable accommodations should contact Kristen Arel at 202-564-5367.

This email message is being sent to all employees.

From: Burton, Tamika
Location: Alm Conference Room
Importance: Normal
Subject: Information Law Briefing - (teleconference Conference Call Code/Ex.6) passcode: Conference Call Code/Ex.6
Categories: Record Saved - Shared
Start Date/Time: Wed 2/1/2017 8:30:00 PM
End Date/Time: Wed 2/1/2017 9:30:00 PM

SCt: Denise Anderson, 202-564-1782

To: Konkus, John[konkus.john@epa.gov]; Ericksen, Doug[ericksen.doug@epa.gov]; Benton, Donald[benton.donald@epa.gov]; Greaves, Holly[greaves.holly@epa.gov]; Sugiyama, George[sugiyama.george@epa.gov]; Schwab, Justin[schwab.justin@epa.gov]; Munoz, Charles[munoz.charles@epa.gov]; Davis, Patrick[davis.patrick@epa.gov]; Kreutzer, David[kreutzer.david@epa.gov]; Schnare, David[schnare.david@epa.gov]; Konkus, John[konkus.john@epa.gov]
From: Grantham, Nancy
Sent: Fri 2/17/2017 9:33:31 PM
Subject: FW: Meet Administrator Pruitt

Fyi

Nancy Grantham

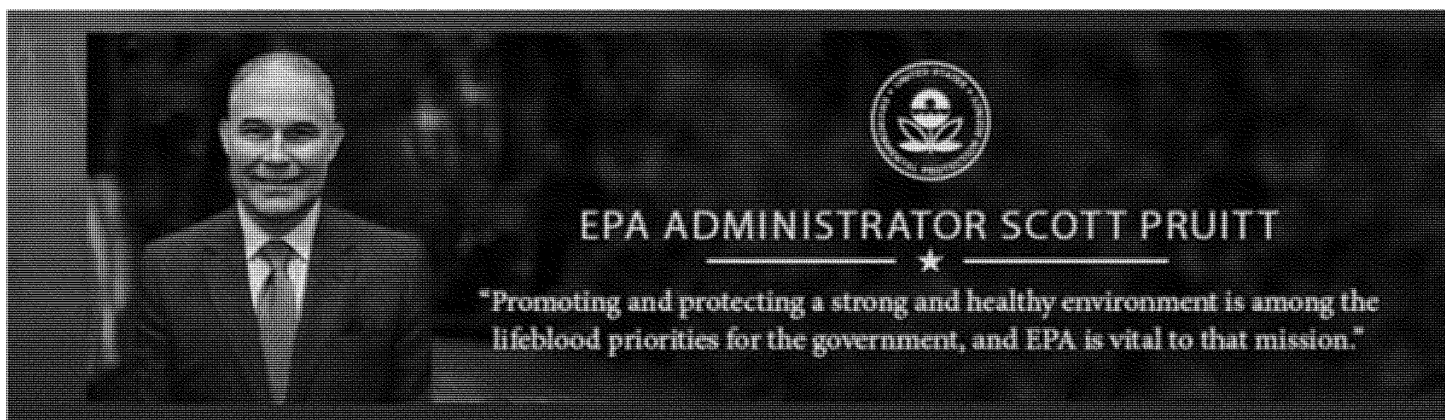
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US Environmental Protection Agency

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This email message is being sent to all employees.

To: Ericksen, Doug[ericksen.doug@epa.gov]
Cc: Kreutzer, David[kreutzer.david@epa.gov]
From: Schnare, David
Sent: Tue 3/14/2017 3:54:04 PM
Subject: Re: Non-EPA response team

Why ? Pruitt has not taken ownership of the issue as best I can tell. Or do you know something I don't?

d

Sent from my iPhone

On Mar 14, 2017, at 11:52 AM, Ericksen, Doug <ericksen.doug@epa.gov> wrote:

David and David,

As your time allows I would like to sit down with you to put together a list of scientists and professionals who can provide balance to the climate change CO2 conversation.

We can discuss more in person.

Doug Ericksen

To: Ericksen, Doug[ericksen.doug@epa.gov]
From: Kreutzer, David
Sent: Tue 3/14/2017 4:09:59 PM
Subject: Re: Non-EPA response team

I'd be happy to do so.

Sent from my iPhone

On Mar 14, 2017, at 11:52 AM, Ericksen, Doug <ericksen.doug@epa.gov> wrote:

David and David,

As you time allows I would like to sit down with you to put together a list of scientists and professionals who can provide balance to the climate change CO2 conversation.

We can discuss more in person.

Doug Ericksen

To: Ericksen, Doug[ericksen.doug@epa.gov]; Davis, Patrick[davis.patrick@epa.gov]
From: Kreutzer, David
Sent: Fri 2/17/2017 3:48:39 PM
Subject: Pollution and asthma
Pollution and Asthma EPA facts.docx

Here are the numbers I mentioned last night. Criterion pollutants of all sorts down dramatically from 1980 to 2015, while the prevalence of childhood asthma doubled.

David W. Kreutzer, Ph.D.

202.564.3113

IMPORTANT: Please note that any correspondence with this account may become a federal record and be subject to Freedom of Information Act (FOIA) requests.

Pollution and Asthma

Criterion Pollutants

<u>Pollutant</u>	<u>Decrease</u>
------------------	-----------------

1980-2015

Lead	99%	
SO ₂	84%	(sulfur dioxide)
CO	84%	(carbon monoxide)
NO ₂	59%	(nitrogen dioxide)
Ozone	32%	(O ₃)

1990-2015

PM ₁₀	39%
------------------	-----

2000-2015

PM _{2.5}	37%
-------------------	-----

Links to all of the above can be found at the EPA webpage: <https://www.epa.gov/air-trends>

Asthma

From 1980 to 2000 the prevalence of childhood asthma roughly doubled.

See Figure 2 in "US Childhood Asthma Prevalence Estimates: The Impact of the 1997 National Health Interview Survey Redesign," *American Journal of Epidemiology*:

<http://aje.oxfordjournals.org/content/158/2/99/f2.expansion>

To: colmanz@csmonitor.com[colmanz@csmonitor.com]
Cc: Konkus, John[konkus.john@epa.gov]; Ericksen, Doug[ericksen.doug@epa.gov]
From: Kreutzer, David
Sent: Wed 2/22/2017 10:32:13 PM
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Sent from my iPhone

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>
> Thanks,
>
> -Zack
> --
> Zack Colman
>
> Deputy Energy/Enviro Editor
> Christian Science Monitor
> Knight Science Journalism fellow at MIT, '15-16
> 248.563.9744
> Twitter: @zcolman

To: Raynolds, Marlo (EC)[marlo.raynolds@canada.ca]
Cc: Konkus, John[konkus.john@epa.gov]; Ericksen, Doug[ericksen.doug@epa.gov]
From: Kreutzer, David
Sent: Wed 2/8/2017 5:15:38 PM
Subject: Re: David - Request for brief call - Canada / US

Marlo,

Thanks for reaching out. However, this would best be handled by one of our comms guys, John Konkus or Doug Ericksen (copied).

Take care,

David

Sent from my iPhone

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I look forward to working together.

Best,
Marlo

Marlo Raynolds, PhD

Chief of Staff – Office of the Minister of Environment and Climate Change

Chef de cabinet – Bureau du Ministre de l'Environnement et des Changements climatiques

Ph: 819-938-3813

E: marlo.raynolds@canada.ca



EPA Daily News Briefing

Bulletin
INTELLIGENCE

Online version available at epa.bulletinintelligence.com

TO: ADMINISTRATOR AND SENIOR EXECUTIVES
DATE: THURSDAY, FEBRUARY 2, 2017 7:00 AM EST

TODAY'S EDITION

Administrator

Democrats Stall Committee Confirmation Vote On Pruitt. (WP, BLOOMPOL, EEDAY, EEPUB, REU, CBSNEWS, ANCHDN) 1
More Than \$3M Spent Lobbying For, Against Pruitt For EPA Chief. (HILL) 2
Additional Reading 2
Scott Pruitt Will Make America Great Again – For Polluters. (HUFFPOST) 2

Brownfields/Superfund/Other Cleanups

Gold King Mine Spill Update. (KRDOTV) 2

Climate Change

Sources: Dismantling Clean Power Plan Likely To Come After Pruitt Confirmation. (EECLMTWR) 2
CA: Term-Limited Brown Has \$15M In His Campaign Account. (LAT) 2
California Bill Would Add "Social Costs" To Public Contract Bids. (MERCN) 2
EU Looks To China As US Retreats On Climate Change. (REU) 2

Energy

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ADMINISTRATOR:

Democrats Stall Committee Confirmation Vote On Pruitt. The Washington Post (2/1, Dennis, Mooney,

Weigel) reports Democrats boycotted a planned vote on EPA nominee Scott Pruitt. Democrats' staff distributed "an amendment from ranking member Tom Carper that would add new standards requiring nominees to submit more financial information." Sen. John Barrasso said he would not force a vote on Pruitt without Democrats in attendance,

pledging to “move the nomination of Scott Pruitt as expeditiously as possible.” Bloomberg Politics (2/1, Natter) reports Democrats told reporters that they were demanding transparency. Under committee rules, “at least two members of the minority must be present to constitute a quorum and allow the panel to take action on legislation and nominations,” but the committee “could attempt to change those rules or temporarily suspend them in a bid to move Pruitt’s nomination to the Senate floor” as done Wednesday by the Senate Finance Committee.

E&E Daily (2/1, Bravender) reports that Sen. Carper “said the responsibility falls on Pruitt” because he failed to fully answer Democrats’ questions. Sen. Carper was also “particularly irked that Pruitt told Democrats they would have to request emails from his tenure as Oklahoma’s top law enforcement official under an open records process that has a nearly two-year backlog.”

E&E Publishing (2/1) notes that Republicans have boycotted committee votes in the past on EPA administrator nominees, including for Obama’s pick in 2013, Gina McCarthy. Reuters (2/1, Gardner) also reports. CBS News (2/1) reports that Republican members were critical of their Democratic counterparts for failing to attend, and accused them of obstructionism. Alaska Dispatch News (2/1) reports that Alaska Sen. Dan Sullivan described the Democratic boycott as a “senatorial temper tantrum.”

More Than \$3M Spent Lobbying For, Against Pruitt For EPA Chief. The Hill (2/2, Cama) reports that more than \$3 million has been spent by opponents and supporters of Oklahoma Attorney General Scott Pruitt in an effort to sway his confirmation process. The “National Association of Manufacturers is the biggest spender in favor of Pruitt with a seven-figure ad campaign,” while Tom Steyer says his group NextGen Climate Action has spent similar amounts.

Additional Reading.

- *Scott Pruitt Will Make America Great Again – For Polluters.* Huffington Post (2/1)

BROWNFIELDS/SUPERFUND/OTHER CLEANUPS:

Gold King Mine Spill Update. KRDO-TV Colorado Springs, CO (2/1, 6:18 p.m. EST) reported, “New Mexico is update its long term plan to monitor the effect of the 2015 mine waste spill that fouled rivers in three western states. The state’s environment department says the plan was developed by a team that includes science and engineering experts. The state department representative says there are concerns about a decision by the EPA to not pay damage claims. EPA workers triggered the spill at the Gold King Mine, Southern

Colorado, releasing 3 million gallons of waste water tainted with heavy metals.”

CLIMATE CHANGE:

Sources: Dismantling Clean Power Plan Likely To Come After Pruitt Confirmation. ClimateWire (2/1) reports White House press secretary Sean Spicer “sidestepped” a question “about whether the administration might target U.S. EPA’s endangerment finding,” which is used to justify the Clean Power Plan. Former Trump transition advisor Myron Ebell has said transition officials discussed potentially delaying an announcement on the Clean Power Plan until Scott Pruitt is confirmed as EPA administrator. Ebell said last week. “I think they’re trying to decide whether to do it before he’s confirmed, or wait until after he’s confirmed. And of course if the Democrats delay his confirmation, my guess is they won’t wait around.” Sources close to the transition “say that the complicated process of undoing the Clean Power Plan could be better managed under the stewardship of Pruitt and his team at the agency.” David Doniger at the Natural Resources Defense Council said, “As long as the endangerment finding is intact, then the agency is under legal obligation to curb the emissions from these sources.”

CA: Term-Limited Brown Has \$15M In His Campaign Account. The Los Angeles Times (2/1, Myers) reports that Gov. Jerry Brown (D), who is term-limited in 2018, has “a \$15-million political war chest, one of the largest of any elected official in the state.” The Times says Brown “could easily use his campaign cash on any number of efforts,” including “potentially asking California voters to extend or expand the state’s landmark climate change laws,” though the Democrat currently “is staying out of any speculation about what might happen. ‘I think it’s safe to say he’s keeping his options open,’ said Dana Williamson, the governor’s political strategist.” The Times added that Brown “has more cash on hand than any of the three leading Democrats vying to replace him in 2018.”

California Bill Would Add “Social Costs” To Public Contract Bids. The San Jose (CA) Mercury News (2/1, Murphy) reports a new California bill aims to add social costs of greenhouse gas emissions to bids by contractors vying for state-funded infrastructure projects. The measure “would be the first of its kind in the nation and would give companies an incentive to offer the best deal for the environment, not just the lowest price.”

EU Looks To China As US Retreats On Climate Change. Reuters (2/1, De Carbonnel) reports EU officials are looking to China as the US retreats from international

efforts to tackle climate change, “fearing a leadership vacuum will embolden those within the bloc seeking to slow the fight against global warming.” Some EU diplomats “worry Europe is too weak to lead on its own in tackling climate change” as Brexit, Russian energy dependence, and protecting industry threatening the bloc’s common policy. “We need to embrace the fact that China has invested very heavily in clean energy,” Gregory Barker, climate change minister to former British Prime Minister David Cameron, told Reuters. “If America won’t lead then it’s clear that China will.”

ENERGY:

US House Votes To Repeal SEC “Extraction Rule”. Reuters (2/1) reports that the Republican-led House of Representatives voted to remove “two major U.S. rules aimed at curbing corruption and pollution in the energy sector.” The Senate is expected to take up the issue as soon as Thursday. The Securities and Exchange Commission’s “extraction rule” was approved in 2010 to require energy companies, such as Exxon Mobil and Chevron Corp., to publicly state the taxes and other fees they pay to governments. On the House floor, chairman of the Financial Services Committee Jeb Hensarling said the rule was part of “a radical leftist elitist agenda against carbon-based jobs.”

Renewable Energy Industry Urges Trump To Consider Green Jobs In Rural Areas. Bloomberg News (1/31, Martin) reports the renewable energy industry wants the Trump Administration to know that when it comes to “bringing energy jobs to rural communities: get out of the coal mines and look to the sky.” The US wind power industry had over “100,000 workers at the end of the year and the solar industry had more than double that,” and they are “a significant source of employment in many of the rural red states that supported Donald Trump’s campaign.” At the beginning of last year there were 65,971 coal mining jobs, the Energy Department reports. Renewable energy industry leaders “say the rural areas that missed out on economic growth under President Barack Obama are benefiting from the expansion of clean energy.” The article mentions that while Trump Administration will be “more fossil-fuel friendly,” former Texas Governor Rick Perry, Trump’s choice to be the next energy secretary, “helped his state become the largest producer of wind power.”

Pastor Enthusiastic About Perry, Other Evangelicals In Cabinet. In an article about evangelical support for Trump and today’s National Prayer Breakfast, the Washington Post (2/1, Bailey) reports Ronnie Floyd, a former Southern Baptist Convention president, indicated that he “is especially excited by ‘followers of Christ’ nominated for Trump’s Cabinet.” Rick Perry was listed among those he was excited about. Floyd said of evangelicals, “The administration

has been way over the top in giving them visibility and recognition that we can bring values.”

Palomarez Supports Perry For DOE Secretary. Javier Palomarez, president and CEO of the US Hispanic Chamber of Commerce, writes in an op-ed for The Hill (2/1, Palomarez) that the mission of the Energy Department “is to ensure America’s security and prosperity by addressing its energy, environmental and nuclear challenges through transformative science and technology solutions.” With Gov. Perry’s “knowledge and experience in this arena, we believe he is a qualified candidate to serve as secretary of Energy.” Palomarez concludes, “We hope for a smooth confirmation and look forward to working with him to keep powering America’s business future.”

ENFORCEMENT:

Volkswagen Agrees To Emissions Cheating Scandal Settlement. The New York Times (2/1, Ewing) reports Volkswagen has agreed to a settlement of “more than \$20 billion to settle civil and criminal suits in the United States over its diesel emissions scandal” that affects around 600,000 cars. Through the settlement, “owners of two-liter vehicles and 2009-12 three-liter models can either sell them back to Volkswagen for a price reflecting their value before September 2015, when the diesel cheating became known, or have their cars repaired free.” Bloomberg News (2/1, Mehrotra) reports specifically, the filings from the San Francisco federal court indicate the compensation would be “as much as \$16,114.” The deal “brings the total damages in North America to more than \$23 billion.” Repurchasing the 3-liter vehicles adds to “the 482,000 2-liter autos that are being bought back or repaired under a previous agreement.” Should VW not make the repairs on time according to the deal, the company’s “burden from the issue will increase to as much as \$4.04 billion.” US District Judge Charles Breyer is set to review the “proposed 3-liter settlement on Feb. 14.” If he gives “preliminary approval, car owners and others would be given a chance to comment on the agreement before it becomes final.”

The Wall Street Journal (2/1, Wilkes) reports that in a separate US settlement on Tuesday, German parts supplier Robert Bosch GmbH agreed to a settlement of \$327.5 million for allegation it helped created the defeat device software that was installed in VW cars. If the settlement is approved, the investigation into Bosch would be closed. The New York Times (2/1, Ewing) reports Bosch has continuously denied any knowledge or involvement in the emissions cheating scandal and did not admit to any wrongdoing as part of the settlement with VW owners and the Federal Trade Commission. The company still faces a criminal investigation by German attorneys “as well as multiple civil suits by Volkswagen owners in Europe.” On Wednesday, Bosch said

it would “continue to defend its interests in all other civil and criminal law proceedings and to cooperate comprehensively with the investigating authorities in Germany and in other countries.”

Reuters (2/1) highlights lawsuits and investigations VW still faces that have yet to be resolved, including: lawsuits from other US locations; German damages claims; a lawsuit in Australia, several other lawsuits from European countries; and the indictments of several VW executives in South Korea.

The Financial Times (2/1, McGee) provides additional coverage.

OTHER NEWS:

EPA Workers Grow More Concerned About Political Interference. Greg Sargent writes for the Washington Post (2/1, Sargent) in its “Plum Line” blog on anxiety among federal workers in the EPA. John O’Grady, president of the union that represents some EPA employees nationwide, told The Washington Post “that Trump’s firing of the acting attorney general who said she would not defend his immigration order in court was producing a ‘chilling effect through the agency.’” O’Grady said political interference was a worry and that insiders are concerned that internal dissent with such interference, or efforts to draw attention to it, could meet with punishment in the form of “losing a job” or “not being promoted” or “not getting a prime assignment.”

House Science Committee To Hold Hearing On “Making The EPA Great Again”. ClimateWire (2/1, Bravender) reports that next week a House committee will hold a hearing on “Making the Environmental Protection Agency Great Again.” House members are likely to discuss the “Secret Science Reform Act,” which would require the EPA to use only “transparent and reproducible” science to develop regulations. Democrats and opponents to the bill “say the measure would have a crippling effect, since large-scale studies are not easy to reproduce and some industry or private data can’t be made public.”

Gorsuch Seen As Smart But Light On Energy Issues. E&E News PM (2/1, Gilmer) reports that President Trump chose Judge Neil Gorsuch from the 10th US Circuit Court of Appeals as his Supreme Court nominee. “Gorsuch’s record on energy and environmental issues is light, but experts have described the Colorado native as well-qualified and traditionally conservative.” BakerHostetler attorney Mark Barron praised Gorsuch as having Scalia’s brand of “intellectual firepower” and for being “smart as hell.” In remarks following Trump’s announcement, “Gorsuch highlighted his commitment to impartiality, independence and collegiality on the bench,” E&E reports. E&E profiles Gorsuch, reporting that he is “most notable for his extreme distaste for

Chevron deference, a legal doctrine under which judges typically defer to an agency’s judgment when it is interpreting ambiguous law.” Such deference arises “frequently in litigation surrounding technical rules” from the EPA, the Interior Department and other agencies covering energy and the environment. On specific energy and environmental issues, “Gorsuch’s record is less developed,” but include rulings the story goes on to detail.

Gorsuch May Overturn Chevron Deference, Dems Planning Pruitt Vote Boycott. Bloomberg Government (2/1) reports in its blog that if President Trump’s pick for the Supreme Court Neil Gorsuch is confirmed, it would putting a leading critic of “Chevron deference” on the court. Gorsuch wrote in a concurring decision last year, “But the fact is Chevron and Brand X permit executive bureaucracies to swallow huge amounts of core judicial and legislative power and concentrate federal power in a way that seems more than a little difficult to square with the Constitution of the framers’ design. Maybe the time has come to face the behemoth.” Senate Democrats are also planning to boycott a Senate Environment and Public Works Committee vote on EPA nominee Scott Pruitt. Sen. Tom Carper complained that Pruitt failed to provide documents from his time as Oklahoma AG, and he was not forthcoming in his answers to questions. Carper said, “I also asked him to name any EPA regulation on the books today that he supports. Mr. Pruitt could not name one.”

Murkowski Urging GOP Leaders To Bring Perry Nomination To Senate Floor For Vote. The “Morning Energy” blog of Politico (2/1) reported Senate Energy and Natural Resources Committee Chairwoman Lisa Murkowski signaled that she’s urging “Republican leadership to move the nominations of Rick Perry for DOE and Interior selection Ryan Zinke up the line for floor consideration, after both won bipartisan backing from her committee Tuesday. But she admits Democrats may hold up fast confirmations for both.” Murkowski told ME, “My hope is that the strong bipartisan support that we had for both gentlemen will allow them to find an easier path forward. ... It does worry me because the president deserves to have a Cabinet.”

In articles about other Trump Cabinet nominees, the Los Angeles Times (2/1, Mascaro), the Wall Street Journal (2/1, Harder), the Washington Post (2/1, Snell, Weigel, O’Keefe) and NPR (2/1, Seipel) mention that Perry and Zinke were approved by the Senate Energy and Natural Resources Committee on Tuesday.

Saudi Oil Minister Lauds Trump Energy Policies. The Wall Street Journal (2/1, Faucon, Amon) reports Saudi Arabian oil minister Khalid al-Falih yesterday offered praise for the energy policies of President Donald Trump and signaled that he is in favor of increased oil production in the US “as long as they grow in line with global energy demand.” On Wednesday, al-Falih told the BBC, “President Trump has

policies which are good for the oil industry, and I think we have to acknowledge it.” He also applauded the choices Trump has made for his Cabinet, including Perry who Falih called “pro-oil and gas.”

Civil Servants At Odds With Superiors Over Trump’s Executive Actions. The Hill (2/1, Kamisar) reports civil servants have begun publicly clashing with their superiors over some of President Trump’s executive actions. Chris Lu, the former deputy secretary of Labor in the Obama Administration, says, “I don’t recall any kind of dissent like this happening either in a Democratic or Republican administration — this is clearly unusual.” Administration officials fired back that if civil servants disagree with the policy decisions, they are free to find other jobs. The Washington Post (2/1, Joe Davidson |, Columnist) reports despite the outcry of some employees, there is “no verifiable revolt by the workforce” against President Trump. Megan Durham, retired Fish and Wildlife Service deputy assistant director for external affairs, says “Sometimes you have to suck it up, choose your battles, and do the best you can within the system to educate your political bosses and continue to perform your agency’s mission.”

The Washington Post (2/1) reports federal workers are in “regular” contact with Obama Administration appointees about possible avenues of backlash against President Trump’s initiatives. Some have created social media accounts aimed at leaking word of possible changes Trump appointees plan to make. Other officials have stated they will “slow their work” if they are asked to do tasks they agree with.

The Washington Post (2/1, Selk) reports the EPA’s twitter account has remained silent since President Trump took office. Canadian officials are warning US civil servants they may face a “regime of censored science” similar to what happened in Canada after former Prime Minister Stephen Harper took office. In 2014, 800 Canadian scientists sent Stephen Harper an open letter warning that “Canada’s leadership in basic research, environmental, health and other public science is in jeopardy.”

Additional Reading.

- *Neil Gorsuch’s Late Mother Almost Annihilated The EPA. Is History Repeating Itself?* Newsweek. (2/1, Brenner)

RULES/REGULATIONS/POLICY:

NRDC Files Complaint Against EPA For Rescinding Mercury Protection Rule. Reuters (2/1, Stempel) reports “mere hours after Trump took office,” the EPA withdrew its final rule seeking reductions in the discharge of mercury from dental offices. Natural Resources

Defense Council has filed a complaint against the EPA claiming the agency “illegally” rescinded the rule.

Manufacturers Hope Trump Policies Speed Up Environmental Permitting. Bloomberg Government (2/1) reports that manufacturers hope President Donald Trump’s call to expedite permitting for new projects “will galvanize the EPA and state environmental regulators to speed up their permit review processes and pursue broader revisions to underlying regulations.” The article adds that the manufacturing sector “has highlighted regulatory requirements, including delays in the processing of necessary permits, as a barrier to investment in domestic manufacturing projects.” According to NAM Senior Director for Energy and Resources Greg Bertelsen, the Trump memo is “right in line” with what the NAM’s message on environmental regulations has been for the past several years.

Toxics/TSCA:

EPA Begins Testing For Toxic Vapor Intrusion In Ballston Spa. The Schenectady (NY) Daily Gazette (2/1, Campbell) reports that the EPA will begin testing for “vapor intrusion” of carcinogenic air contaminants in the basements of Ballston Spa homes that may have migrated from an old dry-cleaning business. Don Graham, project coordinator for the EPA, said that the agency will assist property owners in installing air-blocking systems if the contaminants are found in homes.

Local TV Coverage: Ballston Spa Contamination Miscommunication. WXXA-TV Albany, NY (2/1, 10:04 p.m. EST) reported, “A new concern about the chemical contamination that’s coming from an abandoned dry cleaning shop in Ballston Spa. The EPA says Saratoga County called them to investigate the Ricketts property this past summer, but the Mayor of Ballston Spa wasn’t alerted until the end of December. The EPA says their investigation began back in August when Saratoga County called them with concerns after a rep visited the site and saw asbestos and some mercury switches. The attorney for the county says it was up to the EPA to tell the mayor. The EPA says communication is important and that they will continue to keep in contact with those involved.” WTEN-TV Albany, NY (2/1, 6:00 p.m. EST) reported similar coverage.

WATER:

Estimated Cost Of Keeping Flint On Detroit Water System: More Than \$45M. MLive (MI) (2/1, Fonger) reports the Genesee County, Michigan Drain Commissioner’s Office told the state’s Department of Environmental Quality that keeping Flint and its neighboring

suburbs connected to the Great Lakes Water Authority while it works towards being capable of treating its own water could cost more than \$45 million over a two-year period. While keeping Flint connected to the GLWA is expensive compared to other options under consideration by city and state officials at the moment, “experts have increasingly advised the state that the fewer changes in source water, the better for Flint.”

Researchers Find Discontinuation Of Corrosion Control Measures Caused Flint Water Crisis.

MLive (MI) (2/1, Fonger) reports Virginia Tech researchers published a peer-reviewed report which found that the Flint water crisis was caused by the decision to discontinue adding orthophosphate inhibitors once the state switched the city to a Flint River-dependent water supply. A news release highlighting the report said, “In the tap water, the high lead concentrations strongly correlated with the levels of cadmium, zinc and tin, which were also components of the pipe’s original internal coating. ... According to the researchers, these results suggest that without corrosion inhibitors, the Flint River water caused the rust layers (with attached lead) to release from the interior of the iron pipe.”

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To: Liam.Stone@international.gc.ca[Liam.Stone@international.gc.ca]
Cc: Ericksen, Doug[ericksen.doug@epa.gov]; Konkus, John[konkus.john@epa.gov]
From: Kreutzer, David
Sent: Thur 2/2/2017 2:16:30 PM
Subject: RE: Canadian contact

Liam,

Probably me at this point. However, for at least the next couple of weeks we are holding off on meetings and are running all communication through our comms people. For now there are two, John Konkus and Doug Ericksen (both copied).

David

202.564.3113

From: Liam.Stone@international.gc.ca [mailto:Liam.Stone@international.gc.ca]
Sent: Wednesday, February 1, 2017 5:57 PM
To: Kreutzer, David <kreutzer.david@epa.gov>
Subject: Canadian contact

Hi David,

I think Salim mentioned that the office of the Canadian Minister of Environment and Climate Change is eager to reach out to someone on your team in the near future.

Would you mind if I passed along your contact or is there someone else more appropriate to speak to on North America/International issues? The Canadian folks in question are political staff so they will be looking for an equivalent, political contact.

Thanks,

Liam

Liam Stone

Executive Director, Policy

Government of Alberta Washington Office

Embassy of Canada

202-448-6478

@ABintheUSA

To: Stephen Munro[smunro11@bloomberg.net]
Cc: Ericksen, Doug[ericksen.doug@epa.gov]; Konkus, John[konkus.john@epa.gov]
From: Kreutzer, David
Sent: Mon 2/6/2017 11:04:42 PM
Subject: RE: Hello.

Thanks, but we are swamped right now and have been asked to keep our focus on the transition for at least the next few weeks.

From: Stephen Munro (BLOOMBERG/ BNEF) [mailto:smunro11@bloomberg.net]
Sent: Monday, February 6, 2017 4:38 PM
To: Kreutzer, David <kreutzer.david@epa.gov>
Cc: Ericksen, Doug <ericksen.doug@epa.gov>; Konkus, John <konkus.john@epa.gov>
Subject: Re: Hello.

Hi David:

On Wednesday BNEF will present our 2017 Sustainable Energy in America Factbook, focusing on the renewable technologies you'd expect plus natural gas and energy efficiency. High volume of new data.

Location is Bloomberg's office at 12th and K NW. We'd be honored to host you or your designee from the EPA transition team.

Invitation attached. Please RSVP directly to me. Thanks and regards.

Stephen Munro

Policy & International

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From: kreutzer.david@epa.gov At: 02/02/17 17:24:02

To: Stephen Munro (BLOOMBERG/ BNEF)
Cc: ericksen.doug@epa.gov, konkus.john@epa.gov
Subject: Re: Hello.

We've been asked to hold off on meetings outside of EPA for at least a couple of weeks more.

Our media people are handling all inquiries.

John Konkus and Doug Ericksen are the media folk and are copied on this message.

David

Sent from my iPhone

On Feb 2, 2017, at 4:02 PM, Stephen Munro (BLOOMBERG/ BNEF) <smunro11@bloomberg.net> wrote:

Hi David, I'd still like to get together and compare notes over lunch. Do you have any availability in the coming week?

From: Stephen Munro (BLOOMBERG/ BNEF) At: 12/19/16 14:44:35

To: David.Kreutzer@heritage.org
Subject: RE: Hello.

Ha!

Listen, I'm all about New Urbanism but let's wait till after I.D.

Redskins optional.

Talk to you then.

From: David.Kreutzer@heritage.org At: 12/19/16 14:38:55

To: Stephen Munro (BLOOMBERG/ BNEF)

Subject: RE: Hello.

Being on the transition team puts me in an awkward situation. I've signed a stack of forms pledging my first born as collateral if I talk about any EPA/transition area of interest (very broadly defined) with anybody outside of the transition. So, until January 20, I can't talk about energy, climate, or environmental policy in general. Unless you want to talk about the Redskins, or Paleo New Urbanism (my knowledge, such as it was, of New Urbanism stop at the point where I left local elected office, 15-20 years ago), we'll have to wait a month.

Thanks,

David

David W. Kreutzer, Ph.D.

*Senior Research Fellow, Energy Economics and Climate Change
Institute for Economic Freedom and Opportunity*

The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002
202-608-6298
heritage.org

From: Stephen Munro (BLOOMBERG/ BNEF)

[\[mailto:smunro11@bloomberg.net\]](mailto:smunro11@bloomberg.net)

Sent: Monday, December 19, 2016 2:07 PM

To: Kreutzer, David

Subject: Hello.

Hi David,
Thanks for accepting my LinkedIn invitation.
Wondering if you're free for lunch between now and 2017?
I'm not a working journalist, and it would not be for the record.
Regards.

Stephen Munro
Policy & International
BLOOMBERG New Energy Finance
+1 202 416 3469
www.bnef.com

Nothing contained in this e-mail constitutes or shall be construed as an offering of financial instruments or as investment advice or recommendations of an investment strategy or whether or not to "buy", "sell", or "hold" an investment.

Nothing contained in this e-mail constitutes or shall be construed as an offering of financial instruments or as investment advice or recommendations of an investment strategy or whether or not to "buy", "sell", or "hold" an investment.

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To: Doug Obey[doug.obey@iwpnews.com]
Cc: Ericksen, Doug[ericksen.doug@epa.gov]; Konkus, John[konkus.john@epa.gov]
From: Kreutzer, David
Sent: Wed 2/15/2017 3:33:20 PM
Subject: Re: budget cuts at EPA regional offices

No I'm not.

I've copied our comms guys, Doug Ericksen and John Konkus, who are handling all communication for the transition team at EPA.

David

Sent from my iPhone

> On Feb 15, 2017, at 10:16 AM, Doug Obey <doug.obey@iwpnews.com> wrote:
>
> Greetings.
>
> Are you in a position to chat, even on background, about possible proposed budget cuts to EPA regional offices as a way to avoid duplication with state environmental activities?
>
> Thanks.
>
>
> --
> Doug Obey
> Senior Editor
> Inside EPA -- Climate
> 703-416-8575
>
>

To: VAREILLE Fabrice (EEAS-WASHINGTON)[Fabrice.Vareille@eeas.europa.eu]
Cc: MARKINA Irina (EEAS-WASHINGTON)[Irina.MARKINA@eeas.europa.eu]; DRAKIC Marina (EEAS-WASHINGTON)[Marina.DRAKIC@eeas.europa.eu]; Konkus, John[konkus.john@epa.gov]; Ericksen, Doug[ericksen.doug@epa.gov]
From: Kreutzer, David
Sent: Fri 2/3/2017 4:28:06 PM
Subject: RE: Catching-up

Fabrice,

I think that could be a good idea, but I'm going to have to push it back at least a few weeks—certainly no meetings before the new Administrator gets in place. Because of the workload here and because of some miscommunications that have made headlines, we have been asked to put a pause on our external meetings.

We understand the importance of keeping lines of communication open, but for now those lines run through our communications people—Doug Erickson and John Konkus (copied). Once we get settled, I expect we will be able to have more direct communication.

Hope you understand,

David

From: VAREILLE Fabrice (EEAS-WASHINGTON) [mailto:Fabrice.Vareille@eeas.europa.eu]
Sent: Friday, February 3, 2017 10:48 AM
To: Kreutzer, David <kreutzer.david@epa.gov>
Cc: MARKINA Irina (EEAS-WASHINGTON) <Irina.MARKINA@eeas.europa.eu>; DRAKIC Marina (EEAS-WASHINGTON) <Marina.DRAKIC@eeas.europa.eu>
Subject: Catching-up

Hello David,

You may remember our short chat back in December in the margin of the Climate and Energy Summit organized a Heritage.

With Cabinet member's confirmation moving forward, it would be really useful to get an update regarding the possible direction of future US energy, climate and environmental policies as you see them.

Would you have some time available next week ? If that was of interest for you I could put together a small group of European colleagues interested in forthcoming developments and recommendations you may make to the new administration, so that you kill several birds with one stone.

Best regards,

Fabrice

Fabrice Vareille

Minister Counsellor

Head of Global Issues and Innovation

Delegation of the European Union to the United States of America

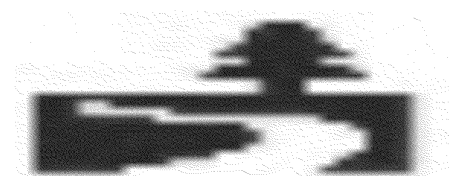
Phone: +1 202 862 9570


Fax: +1 202 429 1766

Office: 2175 K ST NW, Washington, DC 20037, USA

Email : Fabrice.Vareille@eeas.europa.eu

Web: <http://www.eurunion.org> | twitter.com/EUintheUS | facebook.com/EUintheUS



 *Help save paper - do you need to print this email?*

To: Stephen Munro[smunro11@bloomberg.net]
Cc: Konkus, John[konkus.john@epa.gov]; Ericksen, Doug[ericksen.doug@epa.gov]
From: Kreutzer, David
Sent: Thur 2/2/2017 10:23:59 PM
Subject: Re: Hello.

We've been asked to hold off on meetings outside of EPA for at least a couple of weeks more.

Our media people are handling all inquiries.

John Konkus and Doug Ericksen are the media folk and are copied on this message.

David

Sent from my iPhone

On Feb 2, 2017, at 4:02 PM, Stephen Munro (BLOOMBERG/ BNEF)
<smunro11@bloomberg.net> wrote:

Hi David, I'd still like to get together and compare notes over lunch. Do you have any availability in the coming week?

From: Stephen Munro (BLOOMBERG/ BNEF) At: 12/19/16 14:44:35
To: David.Kreutzer@heritage.org
Subject: RE: Hello.

Ha!
Listen, I'm all about New Urbanism but let's wait till after I.D.
Redskins optional.
Talk to you then.

From: David.Kreutzer@heritage.org At: 12/19/16 14:38:55
To: Stephen Munro (BLOOMBERG/ BNEF)
Subject: RE: Hello.

Being on the transition team puts me in an awkward situation. I've signed a stack of forms pledging my first born as collateral if I talk about any EPA/transition area of interest (very broadly defined) with anybody outside of the transition. So, until January 20, I can't talk about energy, climate, or environmental policy in general. Unless you want to talk about the Redskins, or Paleo New Urbanism (my knowledge, such as it was, of New Urbanism stop at the point where I left local elected office, 15-20 years ago), we'll have to wait a month.

Thanks,

David

David W. Kreutzer, Ph.D.
Senior Research Fellow, Energy Economics and Climate Change
Institute for Economic Freedom and Opportunity
The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002
202-608-6298
heritage.org

From: Stephen Munro (BLOOMBERG/ BNEF) [<mailto:smunro11@bloomberg.net>]
Sent: Monday, December 19, 2016 2:07 PM
To: Kreutzer, David
Subject: Hello.

Hi David,
Thanks for accepting my LinkedIn invitation.
Wondering if you're free for lunch between now and 2017?
I'm not a working journalist, and it would not be for the record.
Regards.

Stephen Munro
Policy & International
BLOOMBERG New Energy Finance
+1 202 416 3469
www.bnef.com

Nothing contained in this e-mail constitutes or shall be construed as
an offering of financial instruments or as investment advice or
recommendations of an investment strategy or whether or not to
"buy", "sell", or "hold" an investment.

Nothing contained in this e-mail constitutes or shall be construed as an offering of financial instruments or as investment advice or recom

To: Ericksen, Doug[ericksen.doug@epa.gov]; Konkus, John[konkus.john@epa.gov]
From: Kreutzer, David
Sent: Fri 2/10/2017 3:47:42 PM
Subject: SCC messaging draft
[SCC messaging draft.docx](#)

Here are some draft suggestions for messaging the SCC. Let me know if you have any questions.

David

David W. Kreutzer, Ph.D.

202.564.3113

IMPORTANT: Please note that any correspondence with this account may become a federal record and be subject to Freedom of Information Act (FOIA) requests.

DRAFT
NOT FOR QUOTATION OR DISTRIBUTION

Messaging for the suspension of SCC and SCGHG use in regulation

The Social Cost of Carbon and the Social Cost of Greenhouse Gases are supposedly estimates of the total economic damage caused by one ton of a gas from the year it is emitted until the year 2300. In a world where predictions of economic activity cannot survive the next quarter, it is a huge leap of faith to imagine we can predict impacts in three centuries.

However interesting the concept may be in academia, the social cost of greenhouse gas measures are not accurate enough for real-world regulation. In fact, some estimates indicate net benefits from carbon dioxide emissions—implying we should subsidize fossil-fuel use. In short, there is nowhere near enough confidence in these tools to justify the trillions of dollars in costs their use could impose on our economy.

<http://www.heritage.org/environment/report/unfounded-fund-yet-another-epa-model-not-ready-the-big-game>

<http://www.heritage.org/environment/report/load-the-dice-epa-model-not-ready-the-big-game>

https://papers.ssrn.com/sol3/papers2.cfm?abstract_id=2759505

<http://www.heritage.org/energy-economics/report/rolling-the-dice-environmental-regulations-close-look-the-social-cost>

To: Ericksen, Doug[ericksen.doug@epa.gov]; Schwab, Justin[schwab.justin@epa.gov]; Konkus, John[konkus.john@epa.gov]; Bangerter, Layne[bangerter.layne@epa.gov]
Cc: Schnare, David[schnare.david@epa.gov]; Benton, Donald[benton.donald@epa.gov]; Davis, Patrick[davis.patrick@epa.gov]; Sugiyama, George[sugiyama.george@epa.gov]; Munoz, Charles[munoz.charles@epa.gov]
From: Kreutzer, David
Sent: Fri 2/10/2017 2:54:31 PM
Subject: FW: New Letter from Special Rapporteur - Feb 9, 2017
[SR letter 2-9-17 Clarifying Focus of Visit.pdf](#)
[ATT00001.htm](#)

Bingo!

“in particular with respect to energy development projects which affect the rights of indigenous peoples. In that context, she will also be examining the impacts of recently adopted executive orders and presidential memoranda related to pipelines, in particular affecting Keystone pipeline and Dakota pipeline”

Let's discuss at 4.

From: Tejada, Matthew
Sent: Friday, February 10, 2017 9:21 AM
To: Kreutzer, David <kreutzer.david@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>; Nishida, Jane <Nishida.Jane@epa.gov>
Cc: Cozad, David <Cozad.David@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Badalamente, Mark <Badalamente.Mark@epa.gov>
Subject: Fwd: New Letter from Special Rapporteur - Feb 9, 2017

All

Sharing the below and attached further info regarding UN Special Rapporteur. Still chasing down firm answer for Davids question yesterday.

Best

Matthew

Matthew Tejada

Director - Office of Environmental Justice

US Environmental Protection Agency

202-564-8047

Begin forwarded message:

From: "Gogal, Danny" <Gogal.Danny@epa.gov>
To: "Tejada, Matthew" <Tejada.Matthew@epa.gov>
Cc: "Lewis, Sheila" <Lewis.Sheila@epa.gov>
Subject: New Letter from Special Rapporteur - Feb 9, 2017

Matthew,

The Special Rapporteur sent another letter (attached) to the State Department yesterday which clarifies the focus of her visit. It is to primarily to focus on the following:

...the purpose of the visit is to gather information on measures undertaken by the United States of America, in terms of legislative and institutional

framework as well as challenges in particular with respect to energy development projects which affect the rights of indigenous peoples. In that context, she will also be examining the impacts of recently adopted executive orders and presidential memoranda related to pipelines, in particular affecting Keystone pipeline and Dakota pipeline as well as developments which have taken place since the previous visit of the Special Rapporteur to the United States of America in 2012.

The Special Rapporteur will also look into the impact of energy development projects on lands of cultural and historical significance to Indian tribes and review government policies in place to protect sites important to tribes, study the impacts as well as

reconciliation for historical wrongs related to non-indigenous use of ancestral lands.

In that context, the Special Rapporteur will also look more in depth into good practices including of energy development projects by Indian tribes, with a focus on Government policies and programs to facilitate tribal energy development, with close collaboration with tribal governments, During the overall framework, she will also consider measures that have

been taken to promote the effective implementation the United Nations Declaration on the Rights of Indigenous Peoples...

I will be sending a message to the staff leads in OLEM and OW for international human rights to request the identification of representatives from their respective offices to participate in the meeting with the SR.

I will be in touch with you once I hear from the State Department regarding the frequency of the SR's visits, as asked by one of the beach head team members.

Thanks,

Danny

Daniel E. Gogal

Senior Environmental Protection Specialist
Tribal and Indigenous Peoples Program Manager

EPA Lead for International Human Rights Agreements

Office of Environmental Justice, USEPA
MC (2201-A)
1200 Pennsylvania Avenue, NW
Washington, DC 20460
(202) 564-2576, (202) 501-0740 - Fax

To: Martella, Roger[martella.roger@epa.gov]; Benton, Donald[benton.donald@epa.gov]; Nickerson, William[Nickerson.William@epa.gov]; Sugiyama, George[sugiyama.george@epa.gov]; Greaves, Holly[greaves.holly@epa.gov]; Desilets, Joseph[desilets.joseph@epa.gov]; Munoz, Charles[munoz.charles@epa.gov]; Schnare, David[schnare.david@epa.gov]; Ericksen, Doug[ericksen.doug@epa.gov]; Davis, Patrick[davis.patrick@epa.gov]; Kreutzer, David[kreutzer.david@epa.gov]; Schwab, Justin[schwab.justin@epa.gov]; Bangerter, Layne[bangerter.layne@epa.gov]
From: Benjamin, John
Sent: Thur 1/19/2017 2:29:18 PM
Subject: FW: Intl Loaner Laptop Documentation
[OTP Service Registration.pdf](#)
[Signing On to Remote Access using OTP.pdf](#)
[EZ Tech Generic Property Pass Tala Henry.docx](#)

John Benjamin
Premier Support

ECS-FEDERAL/EZTECH/US EPA
1200 Pennsylvania Ave, NW

WJC-North Rm 6015F

Washington, DC, 20004
PS Hot Line 202 250 8890

O: 202.564.4882

C: Personal Phone/Ex. 6

Non-responsive Internal URL/Ex. 6



From: Wilson, Tremaine
Sent: Thursday, June 16, 2016 1:58 PM
To: Henry, Tala <Henry.Tala@epa.gov>
Cc: Benjamin, John <Benjamin.John@epa.gov>; Foy, James <foy.james@epa.gov>; Garcia, Will <Garcia.Will@epa.gov>

Subject: Intl Loaner Laptop Documentation

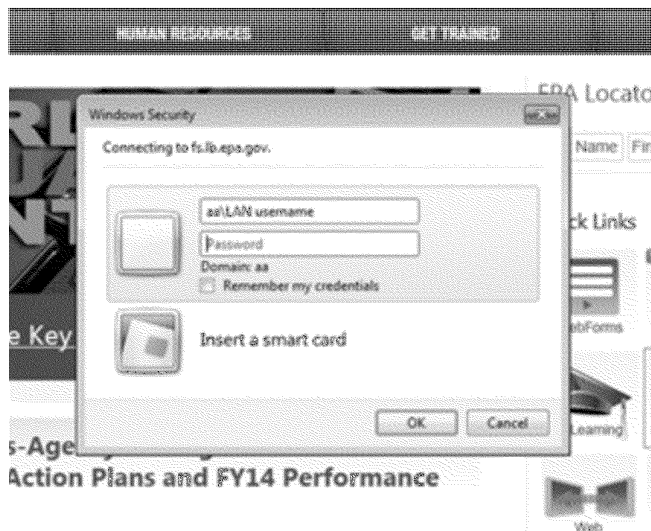
Tala,

Please refer to the attachments and the correspondence below as it pertains to your Intl loaner laptop.

Make sure you have updated your delivery method options for the One Time Password Remote Access Solution at [Non-responsive Internal URL/Ex. 6](#) while still at the office. If you have any questions please see the attached documents for instructions or the link at

Non-responsive Internal URL/Ex. 6

Since you will be logging in to the laptop with a local account. Microsoft will want you to authenticate again. In the FS Login box; input “aa\LAN Username)” and LAN Password without the quotes.



Thank you,

Tremaine Wilson

Premier Support

ECS/EZ Tech/EPA

Hotline: (202) 250-8890

Phone: (202) 564-5344

Cell: Personal Phone/Ex. 6

Email: wilson.tremaine@epa.gov

Non-responsive Internal URL/Ex. 6



Connect with us:    

From: Willis, Sharnett
Location: 3402 WJC-N
Importance: Normal
Subject: Climate Comm. Plan
Categories: EZ Record - Shared
Start Date/Time: Mon 1/30/2017 4:00:00 PM
End Date/Time: Mon 1/30/2017 5:00:00 PM

From: Benton, Donald
Location: Alm Conference Room
Importance: Normal
Subject: Briefing with Office of Chief Financial Officer (OCFO)
Start Date/Time: Mon 1/30/2017 3:00:00 PM
End Date/Time: Mon 1/30/2017 3:45:00 PM

SCt: Denise Anderson, 564-1782

From: Benton, Donald
Location: Alm Conference Room
Importance: Normal
Subject: Briefing with Office of Air and Radiation (OAR)
Start Date/Time: Thur 1/26/2017 6:00:00 PM
End Date/Time: Thur 1/26/2017 6:45:00 PM

SCt: Denise Anderson, 564-1782

From: Mccabe, Catherine
Location: Alm Conference Room
Importance: Normal
Subject: NEPA Briefing
Categories: EZ Record - Shared
Start Date/Time: Thur 2/9/2017 4:00:00 PM
End Date/Time: Thur 2/9/2017 4:45:00 PM
NEPA Overview Briefing 2-8-2017(3).pptx

Ct: Ethel Bailey
SCt: Denise Anderson

Staff:
Catherine McCabe
Mike Flynn
John Reeder
Sandra Connors
Larry Starfield
Robert Tomiak
David Cozad
Don Benton
David Schnare
Holly Greaves
George Sugiyama
Layne Bangerter
Justin Schwab
Charles Munoz
Patrick Davis
David Kreutzer
Doug Ericksen
John Konkus

From: Vizian, Donna
Location: DCROOMWJCN3330Q
Importance: Normal
Subject: Fwd: Grants Update Discussion
Start Date/Time: Tue 1/24/2017 8:30:00 PM
End Date/Time: Tue 1/24/2017 9:00:00 PM

Sent from my iPhone

Begin forwarded message:

From: "Vizian, Donna" <Vizian.Donna@epa.gov>
To: "Showman, John" <Showman.John@epa.gov>, "Greaves, Holly" <greaves.holly@epa.gov>, "Polk, Denise" <Polk.Denise@epa.gov>
Cc: "Cooper, Marian" <Cooper.Marian@epa.gov>, "Bangerter, Layne" <bangerter.layne@epa.gov>, "Gantt, Melissa" <Gantt.Melissa@epa.gov>, "Binder, Bruce" <Binder.Bruce@epa.gov>
Subject: Grants Update Discussion

From: Administrator's Email/Ex. 6
Location: Alm Conference Room
Importance: High
Subject: Canceled: Senior Staff Meeting
Start Date/Time: Mon 2/27/2017 6:00:00 PM
End Date/Time: Mon 2/27/2017 7:00:00 PM

Untitled
Untitled
Untitled
Untitled
Untitled
Untitled
Untitled
Untitled
Untitled
Untitled

SCt: Denise Anderson, 202-564-1782

NOTE: Due to space constraints, please contact Denise Anderson before forwarding or inviting additional meeting attendees.

Conference Line: Non-responsive Conference Code/Ex.6 / Access Code: Non-responsive Conference Code/Ex.6

To: Jackson, Ryan[jackson.ryan@epa.gov];
2017HQfirstassistants[2017HQfirstassistants@epa.gov]; Elkins, Arthur[Elkins.Arthur@epa.gov];
2017Regionfirstassistants[2017Regionfirstassistants@epa.gov]; Slotkin, Ron[slotkin.ron@epa.gov];
Simon, Nigel[Simon.Nigel@epa.gov]; Fine, Steven[fine.steven@epa.gov]; Munoz,
Charles[munoz.charles@epa.gov]; Konkus, John[konkus.john@epa.gov]; Kling,
David[Kling.Dave@epa.gov]; Brennan, Thomas[Brennan.Thomas@epa.gov]; Allen,
Reginald[Allen.Reginald@epa.gov]; Kenny, Shannon[Kenny.Shannon@epa.gov]; Flynn,
Mike[Flynn.Mike@epa.gov]; Heard, Anne[Heard.Anne@epa.gov]; Shapiro, Mike[Shapiro.Mike@epa.gov];
Chu, Ed[Chu.Ed@epa.gov]; EPAVTC[EPAVTC@epa.gov]; Minoli, Kevin[Minoli.Kevin@epa.gov]; Kaplan,
Robert[kaplan.robert@epa.gov]; Vizian, Donna[Vizian.Donna@epa.gov]; Rodrigues,
Cecil[rodrigues.cecil@epa.gov]; Cleland-Hamnett, Wendy[Cleland-Hamnett.Wendy@epa.gov]; Mugdan,
Walter[Mugdan.Walter@epa.gov]; Richardson, RobinH[Richardson.RobinH@epa.gov]; Bloom,
David[Bloom.David@epa.gov]; Szaro, Deb[Szaro.Deb@epa.gov]; Strauss,
Alexis[Strauss.Alexis@epa.gov]; Kavlock, Robert[Kavlock.Robert@epa.gov]; Dunham,
Sarah[Dunham.Sarah@epa.gov]; Breen, Barry[Breen.Barry@epa.gov]; McCabe,
Catherine[McCabe.Catherine@epa.gov]; Pirzadeh, Michelle[Pirzadeh.Michelle@epa.gov]; Torma,
Tim[Torma.Tim@epa.gov]; Coleman, Sam[Coleman.Sam@epa.gov]; Nishida,
Jane[Nishida.Jane@epa.gov]; Starfield, Lawrence[Starfield.Lawrence@epa.gov]; Thomas,
Deb[thomas.debrah@epa.gov]; Reeder, John[Reeder.John@epa.gov]; Lapierre,
Kenneth[lapierre.kenneth@epa.gov]; Brown, Byron[brown.byron@epa.gov]; Dravis,
Samantha[dravis.samantha@epa.gov]; Bangerter, Layne[bangerter.layne@epa.gov]; Davis,
Patrick[davis.patrick@epa.gov]; Ericksen, Doug[ericksen.doug@epa.gov]; Kreutzer,
David[kreutzer.david@epa.gov]; Schwab, Justin[schwab.justin@epa.gov]; Sugiyama,
George[sugiyama.george@epa.gov]; Greaves, Holly[greaves.holly@epa.gov]; Hill,
Randy[Hill.Randy@epa.gov]; Adm14Pruitt, Scott[adm14pruitt.scott@epa.gov]; Benton,
Donald[benton.donald@epa.gov]; Schnare, David[schnare.david@epa.gov]
Subject: Canceled: Senior Staff Meeting

To: Adm14Pruitt, Scott[adm14pruitt.scott@epa.gov]; Jackson, Ryan[jackson.ryan@epa.gov]; 2017HQfirstassistants[2017HQfirstassistants@epa.gov]; Elkins, Arthur[Elkins.Arthur@epa.gov]; 2017Regionfirstassistants[2017Regionfirstassistants@epa.gov]; Slotkin, Ron[slotkin.ron@epa.gov]; Bloom, David[Bloom.David@epa.gov]; Simon, Nigel[Simon.Nigel@epa.gov]; Munoz, Charles[munoz.charles@epa.gov]; Benton, Donald[benton.donald@epa.gov]; Konkus, John[konkus.john@epa.gov]; Schnare, David[schnare.david@epa.gov]; Kling, David[Kling.Dave@epa.gov]; Brennan, Thomas[Brennan.Thomas@epa.gov]; Allen, Reginald[Allen.Reginald@epa.gov]; Kenny, Shannon[Kenny.Shannon@epa.gov]; Flynn, Mike[Flynn.Mike@epa.gov]; Heard, Anne[Heard.Anne@epa.gov]; Shapiro, Mike[Shapiro.Mike@epa.gov]; Chu, Ed[Chu.Ed@epa.gov]; EPAVTC[EPAVTC@epa.gov]; Minoli, Kevin[Minoli.Kevin@epa.gov]; Kaplan, Robert[kaplan.robert@epa.gov]; Vizian, Donna[Vizian.Donna@epa.gov]; Rodrigues, Cecil[rodrigues.cecil@epa.gov]; Cleland-Hamnett, Wendy[Cleland-Hamnett.Wendy@epa.gov]; Mugdan, Walter[Mugdan.Walter@epa.gov]; Richardson, RobinH[Richardson.RobinH@epa.gov]; Szaro, Deb[Szaro.Deb@epa.gov]; Strauss, Alexis[Strauss.Alexis@epa.gov]; Kavlock, Robert[Kavlock.Robert@epa.gov]; Dunham, Sarah[Dunham.Sarah@epa.gov]; Breen, Barry[Breen.Barry@epa.gov]; McCabe, Catherine[McCabe.Catherine@epa.gov]; Pirzadeh, Michelle[Pirzadeh.Michelle@epa.gov]; Torma, Tim[Torma.Tim@epa.gov]; Coleman, Sam[Coleman.Sam@epa.gov]; Nishida, Jane[Nishida.Jane@epa.gov]; Starfield, Lawrence[Starfield.Lawrence@epa.gov]; Thomas, Deb[thomas.debrah@epa.gov]; Reeder, John[Reeder.John@epa.gov]; Lapierre, Kenneth[lapierre.kenneth@epa.gov]; Fine, Steven[fine.steven@epa.gov]; Brown, Byron[brown.byron@epa.gov]; Dravis, Samantha[dravis.samantha@epa.gov]
Cc: Hill, Randy[Hill.Randy@epa.gov]; Greaves, Holly[greaves.holly@epa.gov]
To: Bangerter, Layne[bangerter.layne@epa.gov]; Davis, Patrick[davis.patrick@epa.gov]; Ericksen, Doug[ericksen.doug@epa.gov]; Kreutzer, David[kreutzer.david@epa.gov]; Schwab, Justin[schwab.justin@epa.gov]; Sugiyama, George[sugiyama.george@epa.gov]

SCt: Denise Anderson, 202-564-1782

NOTE: Due to space constraints, please contact Denise Anderson before forwarding or inviting additional meeting attendees.

Conference Line: / Access Code:

To: Adm14Pruitt, Scott[adm14pruitt.scott@epa.gov]; Jackson, Ryan[jackson.ryan@epa.gov]; 2017HQfirstassistants[2017HQfirstassistants@epa.gov]; Elkins, Arthur[Elkins.Arthur@epa.gov]; 2017Regionfirstassistants[2017Regionfirstassistants@epa.gov]; Slotkin, Ron[slotkin.ron@epa.gov]; Bloom, David[Bloom.David@epa.gov]; Simon, Nigel[Simon.Nigel@epa.gov]; Breen, Barry[Breen.Barry@epa.gov]; Munoz, Charles[munoz.charles@epa.gov]; Benton, Donald[benton.donald@epa.gov]; Konkus, John[konkus.john@epa.gov]; Schnare, David[schnare.david@epa.gov]; Kling, David[Kling.Dave@epa.gov]; Brennan, Thomas[Brennan.Thomas@epa.gov]; Allen, Reginald[Allen.Reginald@epa.gov]; Kenny, Shannon[Kenny.Shannon@epa.gov]; Flynn, Mike[Flynn.Mike@epa.gov]; Heard, Anne[Heard.Anne@epa.gov]; Shapiro, Mike[Shapiro.Mike@epa.gov]; Chu, Ed[Chu.Ed@epa.gov]; EPAVTC[EPAVTC@epa.gov]; Minoli, Kevin[Minoli.Kevin@epa.gov]; Kaplan, Robert[kaplan.robert@epa.gov]; Vizian, Donna[Vizian.Donna@epa.gov]; Rodrigues, Cecil[rodrigues.cecil@epa.gov]; Cleland-Hamnett, Wendy[Cleland-Hamnett.Wendy@epa.gov]; Mugdan, Walter[Mugdan.Walter@epa.gov]; Richardson, RobinH[Richardson.RobinH@epa.gov]; Szaro, Deb[Szaro.Deb@epa.gov]; Strauss, Alexis[Strauss.Alexis@epa.gov]; Kavlock, Robert[Kavlock.Robert@epa.gov]; Dunham, Sarah[Dunham.Sarah@epa.gov]; McCabe, Catherine[McCabe.Catherine@epa.gov]; Pirzadeh, Michelle[Pirzadeh.Michelle@epa.gov]; Torma, Tim[Torma.Tim@epa.gov]; Coleman, Sam[Coleman.Sam@epa.gov]; Nishida, Jane[Nishida.Jane@epa.gov]; Starfield, Lawrence[Starfield.Lawrence@epa.gov]; Thomas, Deb[thomas.debrah@epa.gov]; Reeder, John[Reeder.John@epa.gov]; Lapierre, Kenneth[lapierre.kenneth@epa.gov]; Fine, Steven[fine.steven@epa.gov]; Brown, Byron[brown.byron@epa.gov]; Dravis, Samantha[dravis.samantha@epa.gov]
Cc: Hill, Randy[Hill.Randy@epa.gov]; Greaves, Holly[greaves.holly@epa.gov]
To: Bangerter, Layne[bangerter.layne@epa.gov]; Davis, Patrick[davis.patrick@epa.gov]; Ericksen, Doug[ericksen.doug@epa.gov]; Kreutzer, David[kreutzer.david@epa.gov]; Schwab, Justin[schwab.justin@epa.gov]; Sugiyama, George[sugiyama.george@epa.gov]

SCt: Denise Anderson, 202-564-1782

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Cc: Hill, Randy[Hill.Randy@epa.gov]; Greaves, Holly[greaves.holly@epa.gov]
To: Bangerter, Layne[bangerter.layne@epa.gov]; Davis, Patrick[davis.patrick@epa.gov]; Ericksen, Doug[ericksen.doug@epa.gov]; Kreutzer, David[kreutzer.david@epa.gov]; Schwab, Justin[schwab.justin@epa.gov]; Sugiyama, George[sugiyama.george@epa.gov]

SCt: Denise Anderson, 202-564-1782

NOTE: Due to space constraints, please contact Denise Anderson before forwarding or inviting additional meeting attendees.

Conference Line: Non-responsive Conference Code/Ex.6 / Access Code: Non-responsive Conference Code/Ex.6

To: Adm14Pruitt, Scott[adm14pruitt.scott@epa.gov]; Richardson, RobinH[Richardson.RobinH@epa.gov]; 2017HQfirstassistants[2017HQfirstassistants@epa.gov]; Mugdan, Walter[Mugdan.Walter@epa.gov]; Brennan, Thomas[Brennan.Thomas@epa.gov]; 2017Regionfirstassistants[2017Regionfirstassistants@epa.gov]; Breen, Barry[Breen.Barry@epa.gov]; Kreutzer, David[kreutzer.david@epa.gov]; Schnare, David[schnare.david@epa.gov]; Thomas, Deb[thomas.debrah@epa.gov]; Coleman, Sam[Coleman.Sam@epa.gov]; Fine, Steven[fine.steven@epa.gov]; EPAVTC[EPAVTC@epa.gov]; Ericksen, Doug[ericksen.doug@epa.gov]; Dunham, Sarah[Dunham.Sarah@epa.gov]; Kaplan, Robert[kaplan.robert@epa.gov]; Jackson, Ryan[jackson.ryan@epa.gov]; Starfield, Lawrence[Starfield.Lawrence@epa.gov]; Minoli, Kevin[Minoli.Kevin@epa.gov]; Szaro, Deb[Szaro.Deb@epa.gov]; Pirzadeh, Michelle[Pirzadeh.Michelle@epa.gov]; Brown, Byron[brown.byron@epa.gov]; Shapiro, Mike[Shapiro.Mike@epa.gov]; Dravis, Samantha[dravis.samantha@epa.gov]; Kenny, Shannon[Kenny.Shannon@epa.gov]; Slotkin, Ron[slotkin.ron@epa.gov]; Bangerter, Layne[bangerter.layne@epa.gov]; McCabe, Catherine[McCabe.Catherine@epa.gov]; Rodrigues, Cecil[rodrigues.cecil@epa.gov]; Kavlock, Robert[Kavlock.Robert@epa.gov]; Schwab, Justin[schwab.justin@epa.gov]; Elkins, Arthur[Elkins.Arthur@epa.gov]; Strauss, Alexis[Strauss.Alexis@epa.gov]; Cleland-Hamnett, Wendy[Cleland-Hamnett.Wendy@epa.gov]; Benton, Donald[benton.donald@epa.gov]; Davis, Patrick[davis.patrick@epa.gov]; Sugiyama, George[sugiyama.george@epa.gov]; Reeder, John[Reeder.John@epa.gov]; Munoz, Charles[munoz.charles@epa.gov]; Konkus, John[konkus.john@epa.gov]; Kling, David[Kling.Dave@epa.gov]; Allen, Reginald[Allen.Reginald@epa.gov]; Flynn, Mike[Flynn.Mike@epa.gov]; Heard, Anne[Heard.Anne@epa.gov]; Chu, Ed[Chu.Ed@epa.gov]; Vizian, Donna[Vizian.Donna@epa.gov]; Bloom, David[Bloom.David@epa.gov]; Simon, Nigel[Simon.Nigel@epa.gov]; Torma, Tim[Torma.Tim@epa.gov]; Nishida, Jane[Nishida.Jane@epa.gov]; Lapierre, Kenneth[lapierre.kenneth@epa.gov]; Hill, Randy[Hill.Randy@epa.gov]; Greaves, Holly[greaves.holly@epa.gov]
Subject: FW: Senior Staff Meeting

From: Adm14Pruitt, Scott

Sent: Monday, February 27, 2017 2:42:53 PM UTC

To: Administrator's Email/Ex. 6 [redacted]; Munoz, Charles; Jackson, Ryan; Benton, Donald; Konkus, John; Schnare, David; 2017HQfirstassistants; Kling, David; Brennan, Thomas; Elkins, Arthur; Allen, Reginald; 2017Regionfirstassistants; Slotkin, Ron; Kenny, Shannon; Flynn, Mike; Heard, Anne; Shapiro, Mike; Chu, Ed; EPAVTC; Minoli, Kevin; Kaplan, Robert; Vizian, Donna; Rodrigues, Cecil; Cleland-Hamnett, Wendy; Mugdan, Walter; Richardson, RobinH; Bloom, David; Szaro, Deb; Strauss, Alexis; Kavlock, Robert; Dunham, Sarah; Breen, Barry; Simon, Nigel; McCabe, Catherine; Pirzadeh, Michelle; Torma, Tim; Coleman, Sam; Nishida, Jane; Starfield, Lawrence; Thomas, Deb; Reeder, John; Lapierre, Kenneth; Fine, Steven; Brown, Byron; Hill, Randy; Greaves, Holly; Dravis, Samantha; Bangerter, Layne; Davis, Patrick; Ericksen, Doug; Kreutzer, David; Schwab, Justin; Sugiyama, George

Subject: Senior Staff Meeting

When: Monday, May 29, 2017 5:00 PM-6:00 PM.

Where: Alm Conference Room

SCt: Denise Anderson, 202-564-1782

NOTE: Due to space constraints, please contact Denise Anderson before forwarding or inviting additional meeting attendees.

Conference Line: [Non-responsive Conference Code/Ex.6] / Access Code: [Non-responsive Conference Code/Ex.6]

To: Sugiyama, George[sugiyama.george@epa.gov]; Schwab, Justin[schwab.justin@epa.gov]; Kreutzer, David[kreutzer.david@epa.gov]; Ericksen, Doug[ericksen.doug@epa.gov]; Bangerter, Layne[bangerter.layne@epa.gov]; Adm14Pruitt, Scott[adm14pruitt.scott@epa.gov]; Davis, Patrick[davis.patrick@epa.gov]; Munoz, Charles[munoz.charles@epa.gov]; Jackson, Ryan[jackson.ryan@epa.gov]; Konkus, John[konkus.john@epa.gov]; 2017HQfirstassistants[2017HQfirstassistants@epa.gov]; Kling, David[Kling.Dave@epa.gov]; Brennan, Thomas[Brennan.Thomas@epa.gov]; Elkins, Arthur[Elkins.Arthur@epa.gov]; Allen, Reginald[Allen.Reginald@epa.gov]; Freire, JP[Freire.JP@epa.gov]; 2017Regionfirstassistants[2017Regionfirstassistants@epa.gov]; Slotkin, Ron[slotkin.ron@epa.gov]; Kenny, Shannon[Kenny.Shannon@epa.gov]; Flynn, Mike[Flynn.Mike@epa.gov]; Heard, Anne[Heard.Anne@epa.gov]; Shapiro, Mike[Shapiro.Mike@epa.gov]; Chu, Ed[Chu.Ed@epa.gov]; Actadmmccabe, Catherine17[Actadmmccabe.catherine17@epa.gov]; EPAVTC[EPAVTC@epa.gov]; Minoli, Kevin[Minoli.Kevin@epa.gov]; Kaplan, Robert[kaplan.robert@epa.gov]; Vizian, Donna[Vizian.Donna@epa.gov]; Rodrigues, Cecil[rodrigues.cecil@epa.gov]; Cleland-Hamnett, Wendy[Cleland-Hamnett.Wendy@epa.gov]; Mugdan, Walter[Mugdan.Walter@epa.gov]; Richardson, RobinH[Richardson.RobinH@epa.gov]; Bloom, David[Bloom.David@epa.gov]; Szaro, Deb[Szaro.Deb@epa.gov]; Strauss, Alexis[Strauss.Alexis@epa.gov]; Kavlock, Robert[Kavlock.Robert@epa.gov]; Dunham, Sarah[Dunham.Sarah@epa.gov]; Breen, Barry[Breen.Barry@epa.gov]; Simon, Nigel[Simon.Nigel@epa.gov]; McCabe, Catherine[McCabe.Catherine@epa.gov]; Pirzadeh, Michelle[Pirzadeh.Michelle@epa.gov]; Torma, Tim[Torma.Tim@epa.gov]; Coleman, Sam[Coleman.Sam@epa.gov]; Nishida, Jane[Nishida.Jane@epa.gov]; Starfield, Lawrence[Starfield.Lawrence@epa.gov]; Thomas, Deb[thomas.debrah@epa.gov]; Reeder, John[Reeder.John@epa.gov]; Lapierre, Kenneth[lapierre.kenneth@epa.gov]; Fine, Steven[fine.steven@epa.gov]; Lyons, Troy[lyons.troy@epa.gov]; Etzel, Ruth[Etzel.Ruth@epa.gov]; Beck, Nancy[Beck.Nancy@epa.gov]; Ringel, Aaron[ringel.aaron@epa.gov]; Yamada, Richard (Yujiro)[yamada.richard@epa.gov]; Bowman, Liz[Bowman.Liz@epa.gov]; Benton, Donald[benton.donald@epa.gov]; Schnare, David[schnare.david@epa.gov]
Cc: Hill, Randy[Hill.Randy@epa.gov]; Greaves, Holly[greaves.holly@epa.gov]; Dravis, Samantha[dravis.samantha@epa.gov]; Brown, Byron[brown.byron@epa.gov]; Opalski, Dan[Opalski.Dan@epa.gov]; Holsman, Marianne[Holsman.Marianne@epa.gov]; Wise, Louise[Wise.Louise@epa.gov]; Traylor, Patrick[traylor.patrick@epa.gov]
Subject: Canceled: Senior Staff Meeting

SCT: Denise Anderson, 202-564-1782

NOTE: Due to space constraints, please contact Denise Anderson before forwarding or inviting additional meeting attendees.

Conference Line: / Access Code:

To: Adm14Pruitt, Scott[adm14pruitt.scott@epa.gov]; Benton,
Donald[benton.donald@epa.gov]; Schnare, David[schnare.david@epa.gov]

SCt: Denise Anderson, 202-564-1782

NOTE: Due to space constraints, please contact Denise Anderson before forwarding or inviting additional meeting attendees.

Conference Line: / Access Code:

To: Adm14Pruitt, Scott[adm14pruitt.scott@epa.gov]; Benton,
Donald[benton.donald@epa.gov]; Schnare, David[schnare.david@epa.gov]

SCt: Denise Anderson, 202-564-1782

NOTE: Due to space constraints, please contact Denise Anderson before forwarding or inviting additional meeting attendees.

Conference Line: Non-responsive Conference Code/Ex.6 / Access Code: Non-responsive Conference Code/Ex.6

2

To: Adm14Pruitt, Scott[adm14pruitt.scott@epa.gov]; Benton, Donald[benton.donald@epa.gov];
Schnare, David[schnare.david@epa.gov]

To: Adm14Pruitt, Scott[adm14pruitt.scott@epa.gov]; Benton,
Donald[benton.donald@epa.gov]; Schnare, David[schnare.david@epa.gov]

SCt: Denise Anderson, 202-564-1782

NOTE: Due to space constraints, please contact Denise Anderson before forwarding or inviting additional meeting attendees.

Conference Line: [Non-responsive Conference Code/Ex.6] / Access Code: [Non-responsive Conference Code/Ex.6]

To: Don Benton[**Personal Email/Ex. 6**]; Ericksen, Doug[ericksen.doug@epa.gov]; Schnare, David[schnare.david@epa.gov]
From: Konkus, John
Sent: Wed 2/15/2017 3:57:01 PM
Subject: FW: TONIGHT: Rally to stop Scott Pruitt from leading the EPA

FYI

<https://earthhq.foe.org/>
https://org.salsalabs.com/o/455/p/salsa/donation/common/public/?donate_page_KEY=14387&tag
<http://www.beeaction.org/about>
https://org.salsalabs.com/o/455/p/salsa/donation/common/public/?donate_page_KEY=14387&tag

<https://earthhq.foe.org/>
https://org.salsalabs.com/o/455/p/salsa/donation/common/public/?donate_page_KEY=14387&tag
<http://www.beeaction.org/about>
https://org.salsalabs.com/o/455/p/salsa/donation/common/public/?donate_page_KEY=14387&tag

<p><u>Join the rally to stop</u> <u>Scott Pruitt from</u> <u>leading the EPA: RSVP</u> <u>NOW!</u></p>
--

The Senate is scheduled to vote on Friday on Scott Pruitt to lead the EPA. Pruitt is a climate denier and Big Oil crony who is openly hostile to the EPA's mission.

The vote will be very, very close. So now, in the final hours before the vote, we need your help to keep the pressure on the Senate to vote no!

Join the rally in DC tonight to stop Scott Pruitt from leading the EPA!

What: Rally to stop Scott Pruitt

When: Today at 5 pm

Where: Upper Senate Park, 200 New Jersey Ave. NW, Washington, DC 20001

Click here to RSVP!

Scott Pruitt would be the most anti-environmental EPA Administrator in history. And he's spent his career suing the agency.

As Oklahoma's Attorney General, he boasted that he "led the charge ... against the U.S. Environmental Protection Agency for their leadership's activist agenda."

He has sued the EPA multiple times to roll back the Clean Power Plan and the Clean Water Rule.

And he literally copied an anti-EPA letter sent to him by Big Oil lobbyists, pasted it onto government stationery, and sent it to Washington with his signature.

We need your help to send the message to Congress: Scott Pruitt should not lead the EPA!

It's no secret why Pruitt has been so hostile to the EPA. He's received nearly \$315,000 in political contributions from fossil fuel industries. And while leading the Republican Attorneys General Association, he raised at least \$3.5 million from fossil fuel interests.

We cannot afford to let Scott Pruitt have this job. Our bedrock environmental protections are at stake. Unless we fight back, we'll have no more Clean Power Plan. No more methane rules. And our environmental policy could be dictated by the oil industry at the expense of the American people.

Donald Trump's first 100 days are shaping up to be an environmental nightmare. He's trying to roll back regulations, build the Keystone XL Pipeline, and gut President Obama's climate legacy. Scott Pruitt is a key component of Trump's anti-environmental agenda. But we still have a chance to stop him.

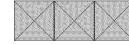
Join the rally TONIGHT, before Friday's vote, to stop Scott Pruitt from destroying to planet!

Standing with you,

Ben Schreiber,
Senior political strategist,
Friends of the Earth

1-877-843-8687
Contact us »

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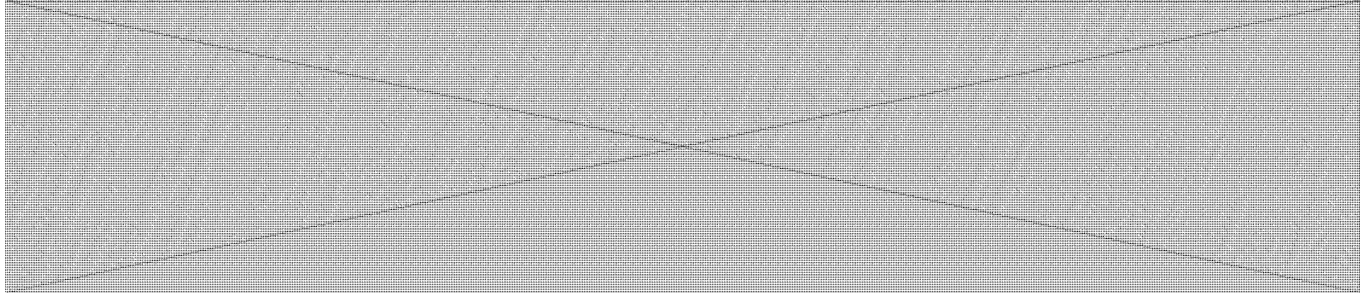


www.foe.org/news »
www.foe.org/about-us »

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earthhq.foe.org/

To: Don Benton[benton@pacifier.com]; Ericksen, Doug[ericksen.doug@epa.gov]; Schnare, David[schnare.david@epa.gov]
From: Konkus, John
Sent: Wed 2/15/2017 6:32:16 PM
Subject: FYI: Scott Pruitt: 'An Ideal Nominee For EPA Administrator'



Contact:

Antonia Ferrier 202.228.NEWS

<http://bit.ly/2l88KEt>

Scott Pruitt: 'An Ideal Nominee For EPA Administrator'

*'Attorney General Pruitt Has Proven Over The Course Of His Career
That He Has The Right Character, Experience, And Knowledge To
Serve As The Administrator Of*

The EPA'

JOHN BARRASSO (R-WY), SENATE ENVIRONMENT & PUBLIC WORKS

COMMITTEE CHAIRMAN:

“Through six hours of questioning before our committee ... Scott Pruitt showed that he understands the need to return the Environmental Protection Agency back to its proper course. He showed that he is committed to working as a partner with Americans

all across the country – to find the best ways to address the threats to our environment.

His record as the attorney general of Oklahoma showed that he is committed to restoring and maintaining the rule of law. I’m confident that Attorney General Pruitt will be able to right the ship at the EPA.”

(Sen. Barrasso, Press Release, 1/24/2017)

**FELLOW STATE ATTORNEYS GENERAL: Pruitt ‘Was A Staunch
Defender Of Sound Science And Good Policy As Appropriate Tools To
Protect The Environment Of**

His State’

24 STATE ATTORNEYS GENERAL: “As the attorneys general of our respective states, we write to express our unqualified support for our colleague and the Attorney General of Oklahoma, E. Scott Pruitt, as Administrator of

the U.S. Environmental Protection Agency. . . The Administrator of the Environmental Protection Agency plays a critical role in our nation’s government.

Attorney General Pruitt has proven over the course of his career that he has the right character, experience, and knowledge to serve as the Administrator of the EPA. We urge the Senate to confirm his nomination.”

(24 State Attorneys General, Letter to Sens. Barrasso and Carper, 1/04/2017)

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“As attorneys general, we understand the need to work collaboratively to address threats to our environment that cross state lines, as well as the importance of a federal counterpart in the EPA Administrator who possesses the knowledge,

experience, and principles to work with our states to address issues affecting our environment.

We believe that no one exemplifies these qualities more than Scott Pruitt.”

(24 State Attorneys General, Letter to Sens. Barrasso and Carper, 1/04/2017)

•

“As the Attorney General of Oklahoma, Mr. Pruitt developed expertise in environmental law and policy. . . Attorney General Pruitt is committed to clean air and clean water, and to faithfully executing the environmental laws written by

Congress. He believes that environmental regulations should be driven by state and local governments—a notion endorsed by Congress in the Clean Air Act and Clean Water Act.

When our nation is confronted with issues affecting the environment that are not covered by a particular statute, Scott will come to Congress for a solution, rather than inventing power for his agency. He wholeheartedly believes in a strong Environmental

Protection Agency that carries out its proper duties, providing a backstop to state and local regulators as they develop environmental regulations suited to the needs of their own communities.”

(24 State Attorneys General, Letter to Sens. Barrasso and Carper, 1/04/2017)

FORMER OKLAHOMA ATTORNEY GENERAL MIKE TURPEN (D):

“As a lifelong Democrat, I may not agree with all of the President-elect’s policies or nominees, but I do know that Oklahoma Attorney General Scott Pruitt is a good choice to head up the Environmental Protection Agency. . . Scott Pruitt’s background in constitutional

law, combined with a nuanced understanding of how environmental regulations affect the economy, mean that he will be a thoughtful leader of the EPA, and one capable of striking the balance between protecting the environment and our economy. . .

(Mike Turpen, Op-Ed, “Pruitt Is a Balanced Selection for EPA Chief,” InsideSources.com, 12/12/2016)

•

TURPEN: “As a Democrat, I take seriously the threats to our environment, and I believe we must work to address issues such as pollution, climate change, and ensuring clean air and water... [T]he job of the EPA is the essential

mission of guaranteeing clean air and clean water. Scott Pruitt has never compromised those critical components of a healthy population with any actions he has taken...

I am convinced Scott Pruitt will work to protect our natural habitats, reserves, and resources.

His vision for a proper relationship between protection and prosperity makes him superbly qualified to serve as our next EPA administrator.”

(Mike Turpen, Op-Ed, “Pruitt Is a Balanced Selection for EPA Chief,” InsideSources.com, 12/12/2016)

FORMER ARKANSAS ATTORNEY GENERAL DUSTIN McDANIEL (D): “I served as

the Democratic Attorney General of the State of Arkansas from 2007-2015. During that time, I served for three years as the Co-Chair of the Democratic Attorneys

General Association. I am a member of the Democratic National Committee and was a strong supporter of Secretary's Clinton's campaign for President... I believe in the core mission of the Environmental Protection Agency... [General Pruitt] was a staunch defender

of sound science and good policy as appropriate tools to protect the environment of his state. I saw firsthand how General Pruitt was able to bridge political divides and manage multiple agency agendas to reach an outcome that was heralded by most public

observers as both positive and historic.” (Dustin McDaniel, Letter to Sens. Barrasso and Carper, 1/17/2017)

FARMERS & AGRICULTURE LEADERS: ‘Scott Pruitt Is An Ideal Nominee For EPA Administrator’ Who ‘Will ... Ensure That Federal Decisions Are Based On Sound

Science,’ And Will ‘Bring Common Sense And Sanity Back To What Has Become A Lawless Agency’

AMERICAN FARM BUREAU FEDERATION PRESIDENT ZIPPY DUVALL: “The American Farm Bureau Federation strongly supports the nomination of Scott Pruitt as Administrator of the U.S. Environmental Protection Agency (EPA) and urges you

to vote in favor of his confirmation. Scott Pruitt is an ideal nominee for EPA Administrator

for many reasons, but his nomination should command respect from Senators for one reason above all: he has profound respect for the laws written by Congress.”

(Zippy Duvall, President, American Farm Bureau Federation, Letter to Sens. Barrasso and Carper, 1/04/2017)

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DUVALL: “No one cares more about the responsible stewardship of our land, air, and water than American farmers and ranchers. Our livelihoods depend on it. In recent years, farmers and ranchers have suffered under burdensome,

unnecessary and, too often, unlawful federal regulations promulgated by the EPA.

We desperately need an administrator who understands the challenges our farmers and ranchers face in producing safe, wholesome and affordable food for our nation and the world... Scott Pruitt will put the EPA back on track and ensure that federal decisions

are based on sound science, not politics. He will produce a fair regulatory environment that respects the rule of law. We urge his confirmation.”

(Zippy Duvall, President, American Farm Bureau Federation, Letter to Sens. Barrasso and Carper, 1/04/2017)

OKLAHOMA FARM BUREAU PRESIDENT TOM BUCHANAN:

“I have found Pruitt to be a genuine man filled with integrity. He is quick to listen, and slow to speak. He’s a consensus builder that wants to understand the truth and find middle ground...”

I am confident that Attorney General Pruitt would not only bring common sense and sanity back to what has become a lawless agency, he would restore that agency to its original mission: assisting the states in achieving cleaner air and cleaner water.”

(Tom Buchanan,

Op-Ed, “Guest View: Pruitt Would Be A Friend To Ag Atop EPA,” *The Quad City Times*, 12/16/2016)

NORTH DAKOTA FARM BUREAU PRESIDENT DARYL LIES: “NDFB has vigorously opposed President Obama’s activist EPA, and for good reason. In the last eight years, EPA has repeatedly targeted North Dakota’s economic drivers: agriculture

and energy. That’s why **NDFB supports incoming Environmental Protection Agency Administrator Scott Pruitt. We believe he will work to curb the agency’s overreach and end the regulatory nightmare.”**

(Daryl Lies, “Daryl Lies: North Dakota Farm Bureau Backs Scott Pruitt For EPA Chief,” Say Anything Blog, 1/09/2017)

•

“The nomination of Oklahoma Attorney General Scott Pruitt to serve as Administrator of the Environmental Protection Agency is a welcome reprieve. He will bring a reasoned and balanced approach back to an agency run amok with unnecessary

and flawed regulations which have done more to hurt our environment than help it.

As attorney general, he helped develop robust regulations at the state level to implement economically viable conservation efforts. He reached across the aisle to pass meaningful regulations to protect Oklahoma waters and has aggressively pursued litigation

against polluters. He’s a stalwart defender of the EPA’s mission to protect human health and the environment.”

(Daryl Lies, “Daryl Lies: North Dakota Farm Bureau Backs Scott Pruitt For EPA Chief,” Say Anything Blog, 1/09/2017)

FLORIDA COMMISSIONER OF AGRICULTURE ADAM PUTNAM: “[A]ppointed EPA Administrator Scott Pruitt has the experience, understanding of the law and courage to get this out-of-control federal agency back on track... During [a] joint

congressional hearing of the House and Senate, I witnessed firsthand Pruitt's balanced approach to regulation, one that conserves our natural resources and protects the environment, while also fostering economic growth and, most important, protecting states'

rights. He has a clear understanding where it is appropriate for the EPA to assert a role when it is necessary to protect our natural resources... With Scott Pruitt in charge, we can finally unravel the mess of the EPA, and begin developing and implementing

thoughtful policies that will make measurable improvements to our natural resources and unleash an energy revolution that will bring jobs and higher wages to Americans.”

(Adam Putnam, Op-Ed, “Adam Putnam: Scott Pruitt Will Unravel Mess At EPA,”

Orlando Sentinel, 1/04/2017)

More than 24 Agriculture Associations: “The undersigned agriculture and associated organizations write to urge your support for confirmation of Scott Pruitt to be Administrator of the Environmental Protection Agency (EPA).

Mr. Pruitt has distinguished himself as a thoughtful attorney dedicated to disciplined adherence to the rule of law. Further, he has a reputation for careful consideration of differing perspectives as preparation for taking measured actions.

We respectfully submit that Mr. Pruitt possesses the skills to ensure EPA rules and actions are rooted in law and guided by science.”

(Letter to Sen. Barrasso, 1/17/2017)

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Among the signatories: American Farm Bureau Federation, American Seed Trade Association, California Specialty Crops Council, Corn Refiners Association, CropLife America, National Association of Wheat Growers, National Cattlemen's

Beef Association, National Cotton Council, National Council of Farmer Cooperatives, National Grain and Feed Association, National Oilseed Processors Association, National Onion Association, National Pork Producers Council, National Potato Council, National

Turkey Federation, National Sorghum Producers, North American Export Grain Association, North American Meat Institute, Northwest Horticultural Council, United Egg Producers, United Fresh Produce Association, U.S. Apple Association, USA Rice, Western Growers

Association

**STATE ENVIRONMENTAL PROTECTION OFFICERS: Pruitt 'Will Seek
To Preserve The Environment In A Responsible Manner That Will Not
Unduly Sacrifice Our Nation's**

Economic Well-Being'

OKLAHOMA DEPARTMENT OF WILDLIFE CONSERVATION DIRECTOR J.D.

STRONG: "As a fifth generation Oklahoman and someone that has devoted my career to natural resource protection, I take great pride in the progress that has been

made in improving Oklahoma's land, air, water and wildlife resources. For the past six years, General Pruitt has been instrumental in many of our successes and has

never asked me to compromise regulatory efforts to benefit industry. On the contrary, all of our projects and cases that involved his office were given staff support at the highest

level and, more often than not, resulted in more stringent environmental

protections.” (J.D. Strong, Director, Oklahoma Department Of Wildlife Conservation, Letter To Sens. Barrasso And Carper, 1/15/2017; Emphasis In Original)

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STRONG: “Please do not confuse Pruitt as being anti-environment because of his well justified (and strongly supported by me) efforts to counter the EPA’s various attempts to second-guess or usurp State authority. Rather, he has

been a strong ally in defending our ability to continue the great progress that we’ve made in protecting Oklahoma’s environment at the state level – progress that is too often impeded by Federal overreach and interference.”

(J.D. Strong, Director, Oklahoma Department Of Wildlife Conservation, Letter To Sens. Barrasso And Carper, 1/15/2017)

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STRONG: “If I were writing [a] headline, it would read, “Pruitt Helps Deliver Water Quality Improvement in Oklahoma’s Scenic Rivers.” At the end of the day, that has been Oklahoma’s goal in the Illinois River watershed for

decades, and that is what is happening during General Pruitt’s term as Attorney General. . . Pruitt helped Oklahoma negotiate a new agreement with the State of Arkansas that prompted not just a study of the appropriate phosphorus level necessary to protect

our shared scenic rivers . . . but more importantly provided for continued phosphorus controls on wastewater and poultry facilities.

For the first time in my career, Oklahoma measured decreasing phosphorus levels and water quality improvement in the Illinois River watershed beginning in 2012. While many people on both sides of the border deserve credit for this result, General Pruitt

definitely was a key player.” (J.D. Strong, Director, Oklahoma Department Of Wildlife Conservation, Letter To Sens. Barrasso And Carper, 1/15/2017)

KENTUCKY SECRETARY OF THE ENVIRONMENT AND ENERGY CABINET
CHARLES G. SNAVELY: “As the Secretary of the Environment and Energy Cabinet for the Commonwealth of Kentucky, I am offering support for the appointment of Attorney General

of Oklahoma E. Scott Pruitt to the position of Administrator of the Environmental Protection Agency (EPA).”

(Charles G. Snavely, Secretary, Environment And Energy Cabinet For The Commonwealth Of Kentucky, Letter To Sens. Barrasso And Carper, 1/17/2017)

•

SNAVELY: “It is our opinion formed from past actions that Attorney General Pruitt will offer a pragmatic, reasonable approach to environmental protection through appropriate regulatory development... Mr. Pruitt’s recognition

of the states’ abilities to carry out the obligations of the Clean Water Act and the Clean Air Act is ... a shared understanding... Ultimately, states will carry the overwhelming burden of implementing and enforcing EPA regulations.

The expertise of state officials should not be ignored and substituted with the opinions of third party interest groups. As a state Attorney General, Mr. Pruitt recognizes the critical role of state environmental agencies.”

(Charles G. Snavely, Secretary, Environment And Energy Cabinet For The Commonwealth Of Kentucky, Letter To Sens. Barrasso And Carper, 1/17/2017)

FORMER SECRETARY OF THE NORTH CAROLINA DEPARTMENT OF ENVIRONMENTAL QUALITY DONALD R. VAN DER VAART:

“Pruitt is committed to clean air and clean water, and to restoring EPA to its original mission of enforcing the environmental laws written by Congress.”

(Donald R. Van Der Vaart, Op-Ed, “Scott Pruitt Is The Ideal Nominee To Lead The EPA,” Morning Consult, 12/15/16)

•

VAN DER VAART: “Pruitt understands that a balanced approach to regulation that manages our natural resources and protects the environment can also foster economic growth and protect state and local rights. . . Pruitt will

restore a thoughtful balance to EPA and will seek to preserve the environment in a responsible manner that will not unduly sacrifice our nation’s economic well-being . . .”

(Donald R. Van Der Vaart, Op-Ed, “Scott Pruitt Is The Ideal Nominee To Lead The EPA,” Morning Consult, 12/15/16)

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VAN DER VAART: “As a state attorney general, Pruitt has seen the real-world consequences of the EPA’s unlawful regulations, and North Carolina was proud to join Oklahoma in taking on tough fights on behalf of states

who are being overrun by federal overreach. . . Pruitt knows the federal agency has an appropriate role in environmental protection but also understands that state governments have demonstrated the ability to implement environmental protections without

destroying the very thing that makes environmental protection possible: a strong economy.”

(Donald R. Van Der Vaart, Op-Ed, “Scott Pruitt Is The Ideal Nominee To Lead The EPA,” Morning Consult, 12/15/16)

JOB CREATORS: ‘Scott Pruitt Will Properly Balance The Need For Environmental Protection With Economic Growth And Other Interests’

US CHAMBER OF COMMERCE: “...as both Attorney General for the State of Oklahoma and as the president’s nominee to head the EPA, Scott Pruitt has demonstrated an appropriate understanding of the proper role of the EPA Administrator

and a commitment to leading the agency in a direction that will protect public health and the environment. We encourage a swift vote on his nomination.”

(Neil L. Bradley, Senior Vice President, U.S. Chamber of Commerce, Letter to Sens. Barrasso and Carper, 1/31/2017)

•

US CHAMBER: “The Chamber has long championed the belief that environmental policy can simultaneously be pro-environment, pro-energy, and pro-economic growth. Unfortunately, in the

past EPA has pursued a regulatory agenda that

has imposed significant economic costs with little environmental benefit.”

(Neil L. Bradley, Senior Vice President, U.S. Chamber of Commerce, Letter to Sens. Barrasso and Carper, 1/31/2017)

Over 70 National And State Manufacturing Organizations: “On behalf of the undersigned organizations,

we strongly urge you to support Scott Pruitt, Attorney General of Oklahoma to serve as Administrator of the U.S. Environmental Protection Agency (EPA). We believe Scott Pruitt will properly balance the need for environmental protection with economic growth

and other interests. Mr. Pruitt also understands that when regulations go too far and fail to adequately balance environmental protection with technological feasibility and impacts to the economy, they cease to be in the best interest of the public.”

(72 Manufacturing Organizations, Email to U.S. Senators, 2/02/2017)

•

“Scott Pruitt is the right person to restore reasonableness to our nation’s environmental laws. As the nation’s leading manufacturing associations, we urge a swift confirmation of Mr. Pruitt for Administrator of the Environmental Protection

Agency.” (72 Manufacturing Organizations, Email to U.S. Senators, 2/02/2017)

State manufacturing signatories: Alaska Chamber, Alliance of Wyoming Manufacturers,

Arizona Chamber of Commerce & Industry, Arizona Manufacturers Council, Colorado Association of Commerce & Industry, Council of Industry of Southeastern

New York, Georgia Association of Manufacturers, Idaho Association of Commerce and Industry, Illinois Manufacturers' Association, Iowa Association of Business and Industry, Louisiana Association of Business and Industry, Maryland Chamber of Commerce, Michigan

Manufacturers Association, Missouri Association of Manufacturers, Nebraska Chamber of Commerce & Industry, Nevada Manufacturers Assn, New Mexico Business Coalition, Pennsylvania Manufacturers' Association, South Carolina Chamber of Commerce, State Chamber

of Oklahoma, Tennessee Chamber of Commerce & Industry, Texas Association of Manufacturers

National manufacturing signatories: Alliance of Automobile Manufacturers, American Bakers Association, American Chemistry Council, American Coatings Association, American Coke and Coal Chemicals Institute, American Forest & Paper

Association, American Foundry Society, American Fuel & Petrochemical Manufacturers, American Home Furnishings Alliance, American Iron and Steel Institute, American Supply Association, Associated Equipment Distributors, Brick Industry Association, Can Manufacturers

Institute, Concrete Reinforcing Steel Institute, Council of Industrial Boiler Owners, CropLife America, Energy Equipment and Infrastructure Alliance, Fabricators and Manufacturers Association, International, The Fertilizer Institute, Flexible Packaging Association,

Glass Packaging Institute (GPI), Global Cold Chain Alliance, GPA Midstream Association, INDA, The Association of the Nonwoven Fabrics Industry, Independent Lubricant Manufacturers Association, International Housewares Association, International Sleep Products

Association, Investment Casting Institute, Kitchen Cabinet Manufacturers Association (KCMA), Metal Powder Industries Federation, Metal Treating Institute, Metals Service Center Institute, NAHAD - The Association for Hose & Accessories Distribution, National

Association of Manufacturers (NAM), National Oilseed Processors Association, National Shooting Sports Foundation, National Stripper Well Association, Natural Gas Supply Association, Natural Gas Vehicles for America (NGV America), Next Generation Manufacturing,

The Plastics Industry Association, Plastics Pipe Institute, Retail Packaging Association, Portland Cement Association, Resilient Floor Covering Institute (RFCI), Treated Wood Council, Truck Trailer Manufacturers Association, Inc., The Vinyl Institute, Wood

Machinery Manufacturers of America

###

SENATE REPUBLICAN COMMUNICATIONS CENTER

202.228.NEWS

To: Schnare, David[schnare.david@epa.gov]
Cc: Konkus, John[konkus.john@epa.gov]; Ericksen, Doug[ericksen.doug@epa.gov]; Grantham, Nancy[Grantham.Nancy@epa.gov]
From: Grantham, Nancy
Sent: Tue 1/31/2017 11:33:19 AM
Subject: FW: presentation for SBA roundtable
REVISED January 10 2017 webinar v5 final.pptx
ATT00001.htm

All –

Attached is what our team plans to present at the SBA roundtable on Friday.

Please let us know if you have questions.

Thanks ng

Nancy Grantham

Office of Public Affairs

US Environmental Protection Agency

202-564-6879 (desk)

Personal Phone/Ex. 6 (mobile)

Sent from my iPhone

Begin forwarded message:

From: "Sasseville, Sonya" <Sasseville.Sonya@epa.gov>
To: "Lowery, Brigid" <Lowery.Brigid@epa.gov>, "Cohen, Nancy" <Cohen.Nancy@epa.gov>, "Huff, Mark J" <huff.markj@epa.gov>

Cc: "Benjamin, Kent" <Benjamin.Kent@epa.gov>, "Huggins, Richard" <Huggins.Richard@epa.gov>, "Radtke, Meghan" <Radtke.Meghan@epa.gov>, "Johnson, Barnes" <Johnson.Barnes@epa.gov>

Subject: RE: presentation for SBA roundtable

Hi, Brigid, we don't have one together yet, but essentially we plan to use the slides from the two 108(b) webinars that we presented this month. Here are the two webinar presentations.

To: Benton, Donald[benton.donald@epa.gov]
Cc: Culp, Rita[Rita.Culp@mail.house.gov]; Ericksen, Doug[ericksen.doug@epa.gov]; Schnare, David[schnare.david@epa.gov]
From: Taylor, Rebecca
Sent: Mon 1/30/2017 10:50:42 PM
Subject: RE: Letter to President Trump on EPA grant and contract freeze

Mr. Benton,

Thank you for your email. I have shown it to Congresswoman McCollum. She will be sending another letter to reiterate her request for a formal response to the January 30 letter.

Sincerely,
Rebecca

Rebecca Taylor, PhD
Senior Legislative Assistant
Congresswoman Betty McCollum (MN04)
2256 Rayburn HOB
202-225-6631

-----Original Message-----

From: Benton, Donald [mailto:benton.donald@epa.gov]
Sent: Monday, January 30, 2017 3:39 PM
To: Taylor, Rebecca
Cc: Culp, Rita; Ericksen, Doug; Schnare, David
Subject: RE: Letter to President Trump on EPA grant and contract freeze

Hi Rebecca,

Thank you for sending the letter. I wanted you to know that the claims in the letter are completely false. I ask you to report this fact to all Members who signed the letter. Better yet, please forward to each of their offices a copy of this email. I understand that some news agencies reported these type of actions, however they did not check with me or my communications staff before they printed them.

There has been no freezing of anything other than hiring and regulations as we are required to comply with President Trump's executive orders on these issues.

As in all transitions, we put a short pause on a very few items in order to get a better understanding of what actions were actually going to occur as a result of them moving forward.

Our review is 99% complete and other than one or two regulatory actions and I believe 2 grants that are not time sensitive and which we need further information, all actions have moved forward in their normal course.

Further, I believe my communications staff personally contacted each members office with this information.

The amount of false media reports is astonishing to say the least, so please inform your Members that I am available at any time to discuss the facts of what we are actually doing here at EPA.

Thank you for bringing your concerns to my attention,

Don
Senator Don Benton
Senior White House Advisor
Office of the Administrator
202.564.4711

-----Original Message-----

From: Taylor, Rebecca [mailto:Rebecca.Taylor@mail.house.gov]
Sent: Thursday, January 26, 2017 6:02 PM
To: Benton, Donald <benton.donald@epa.gov>
Cc: Culp, Rita <Rita.Culp@mail.house.gov>
Subject: Letter to President Trump on EPA grant and contract freeze

Mr. Benton,

Attached to this email please find a letter sent today to President Trump from five Members of the House Appropriations Committee, led by Congresswoman McCollum, the Ranking Member of the Interior-Environment Subcommittee.

Best,
Rebecca

Rebecca Taylor
Senior Legislative Assistant
Congresswoman Betty McCollum
202-225-6631

From: Willis, Sharnett
Location: 3530 WJC-N
Importance: Normal
Subject: Records Management (please bring your laptop and do not logout)
Categories: Record Saved - Shared
Start Date/Time: Thur 2/2/2017 4:00:00 PM
End Date/Time: Thur 2/2/2017 5:00:00 PM

To: Ericksen, Doug[ericksen.doug@epa.gov]; Benton, Donald[benton.donald@epa.gov]; Schnare, David[schnare.david@epa.gov]
Cc: Cox, Michael[Cox.Michael@epa.gov]
From: Cox, Michael
Sent: Fri 2/24/2017 8:17:28 PM
Subject: Presentation by Administrator Pruitt: Friendly suggestions for next presentation

I wanted to pass along some friendly suggestions from a fellow Pacific Northwesterner.

I started working for EPA in 1987 (I actually worked with Dave on the Lead/Copper Drinking Water Rule. He may not remember me) and have heard several new Administrators first speeches.

I thought Administrators Pruitt's presentation was good especially when he discussed the importance of listening and learning.

I understand this was his introduction to EPA staff and it was short, but I had a few suggestions for future speeches to EPA employees.

1. **Science:** I did not hear much about science. For many of us at EPA, using the best science is the backbone of the work we do. Suggest emphasizing the use of science.
2. **Tribes:** Did not hear anything about Tribes. They are a critical partner and as you know we have specific treaty obligations towards tribes. Suggest including tribes as partners along with states and others.
3. **Human Health:** As you know our mission is to protect human health and the environment. I heard a lot about the environment but not much, if anything, about human health. Suggest emphasizing both.
4. **Questions:** I understand the intent of the first speech was to introduce himself, but in the future I would suggest taking questions. While I understand this can be challenging, I think to

gain credibility it is important. A past Administrator came to Seattle and her staff told us very clearly that we could not ask questions. We could submit written questions but not ask directly. I think it sends a very bad message to staff if the leader of the organization is not willing to answer questions.

5. **Quote:** The quote Administrator Pruitt provided from John Muir was good. However, subsequent to that, some people went and found the whole quote, which conveys a different meaning read in whole than I think Administrator Pruitt wanted to convey.

Anyway. Good luck.

Michael Cox

Office of Environmental Assessment

US EPA Region 10, 1200 Sixth Avenue, Suite 900

Seattle, WA 98101

206-553-1597

cox.michael@epa.gov

To: Schnare, David[schnare.david@epa.gov]
Cc: Ericksen, Doug[ericksen.doug@epa.gov]; Munoz, Charles[munoz.charles@epa.gov]
From: Flynn, Mike
Sent: Thur 1/26/2017 7:24:04 PM
Subject: Fwd: Proceeding with the grants and contracts awards
Grant Programs by NPM by CEP-Competitive ver4.xlsx
ATT00001.htm

Mike Flynn
Acting Deputy Administrator
U.S. Environmental Protection Agency
202-564-4711 (0)
202-343-9356 (D)

Begin forwarded message:

From: "Vizian, Donna" <Vizian.Donna@epa.gov>
Date: January 25, 2017 at 5:32:20 PM EST
To: "Bloom, David" <Bloom.David@epa.gov>, "Breen, Barry" <Breen.Barry@epa.gov>, "Cleland-Hamnett, Wendy" <Cleland-Hamnett.Wendy@epa.gov>, "Dunham, Sarah" <Dunham.Sarah@epa.gov>, "Fine, Steven" <fine.steven@epa.gov>, "Flynn, Mike" <Flynn.Mike@epa.gov>, "Grantham, Nancy" <Grantham.Nancy@epa.gov>, "Hull, George" <Hull.George@epa.gov>, "Kavlock, Robert" <Kavlock.Robert@epa.gov>, "Kenny, Shannon" <Kenny.Shannon@epa.gov>, "McCabe, Catherine" <McCabe.Catherine@epa.gov>, "Minoli, Kevin" <Minoli.Kevin@epa.gov>, "Nishida, Jane" <Nishida.Jane@epa.gov>, "Reeder, John" <Reeder.John@epa.gov>, "Richardson, RobinH" <Richardson.RobinH@epa.gov>, "Shapiro, Mike" <Shapiro.Mike@epa.gov>, "Starfield, Lawrence" <Starfield.Lawrence@epa.gov>, "Torma, Tim" <Torma.Tim@epa.gov>, "Vizian, Donna" <Vizian.Donna@epa.gov>, 2017Regionfirstassistants <2017Regionfirstassistants@epa.gov>, DRA <DRA@epa.gov>, DAA-Career <DAACareer@epa.gov>, ARA <ARA@epa.gov>, OARM-OAM-RAMS <OARMOAMRAMS@epa.gov>, Grants GMOs <Grants_GMOs@epa.gov>, "Polk, Denise" <Polk.Denise@epa.gov>, "Patrick, Kimberly" <Patrick.Kimberly@epa.gov>
Subject: Proceeding with the grants and contracts awards

Hi Everyone,

Thank you for your patience as we worked to bring the transition team up to speed on our grants and contracts program. We just completed briefings on both programs. First, I want to assure you that all critical actions you identified are proceeding. In addition, nothing is being held as we work to clarify a few grant programs and contract actions.

In the grants area, the team has asked for clarification on 11 of our 88 programs. Funding for these programs in FY16 accounted for approximately 3% of the total grant funding. Please see the attached report that highlights the programs we need to clarify. All actions in the remaining programs may proceed. If a critical need arises in a programs identified for clarification, please let me know.

We also reviewed the contract actions on the 30 day horizon. Again, there were just a very few actions identified for clarification, none of which were identified by your staff as critical. In general, we can move forward with our contracts that support the agency infrastructure (e.g., facilities, IT, systems), support implementation of our core programs and science. Kimberly Patrick will be setting up a call with the contracting community to answer any questions on moving forward.

We will be reaching out to the program offices where additional information is need. We hope to have our follow up conversation with the transition team within a week. Please call me or John if you have any questions.

Best,

Donna

EPA Grants Programs by National Program Managers

NPM	Competitive	Program Code	Program Description	CFDA	Grantee Types	Total
Office of Water	No	C	Wastewater Treatment Construction Programs	66.418	State, Special District	\$ 10,860,000
	No	C6	Water Quality Management Planning (Sections 205(j)(1) & 604(b))	66.454	State	\$ 14,518,395
	No	C9	Nonpoint Source Implementation Program	66.460	State, Tribe	\$ 163,915,917
	No	CE	National Estuary Program	66.456	State, County, Intermunicipal, Interstate, Municipal, Not for Profit, Private University, Special District, State Institution of Higher Learning	\$ 17,619,427
	No	CS	State Revolving Fund	66.458	State, Tribe	\$ 1,294,324,462
	No	CU	Beach Monitoring and Notification Program Implementation Grants	66.472	State, Tribe, County	\$ 9,486,974
	No	F	State Public Water System Supervision	66.432	State, Tribe	\$ 93,894,000
	No	FS	Capitalization Grants for Drinking Water State Revolving Funds	66.468	State, Tribe, Special Districe	\$ 832,528,849
	No	G	State Underground Water Source Protection (UIC)	66.433	State, Tribe	\$ 7,206,637
	No	I	WPC State and Interstate Program Support (Section 106)	66.419	State, Tribe, Interstate	\$ 224,090,809
	No	XP	Water Infrastructure Grants as Authorized by EPA Appropriations	66.202	State, Tribe, County, Interstate, Municipal, Not for Profit, Special District, Township	\$ 41,499,695
	No	LC	Lake Champlain Basin Program	66.481	State, Interstate	\$ 4,395,000
	No	LI	Long Island Sound Program	66.437	State, Interstate, Not for Profit, State Institution of Higer Education	\$ 3,787,930
	Yes/No	CB	Chesapeake Bay Program	66.466	State, Interstate, Not for Profit	\$ 59,915,312
	Yes/No	GL	Great Lakes National Program Grants	66.469	State, Tribe, County, Foreign Recipient, Intermunicipal, Interstate, Municipal, Not for Profit, Private University, Special District, State Institution of Higher Learning, Township	\$ 72,040,117
	Yes/No	MX	Gulf of Mexico Program Grants	66.475	State, County, Not for Profit, Special District, State Institution of Higher Learning, Township, Independent School	\$ 2,546,330
	Yes/No	PA	Puget Sound Protection and Restoration: Tribal Implementation Assistance Program	66.121	Tribe	\$ 7,710,000
	Yes/No	PC	Puget sound Action Agenda: Technical Investigations and Implementation Assistance Program	66.123	State	\$ 18,585,000
	Yes/No	PR	Coastal Wetlands Planning Protection and Restoration Act Program	66.124	State	\$ 13,436,541
	Yes/No	SE	Southeast New England Coastal Watershed Restoration Program (SNEP)	66.129	Tribe, County, Not for Profit, Muncipal, State Institution of Higher Learning	\$ 4,636,960
	Yes/No	WD	National Wetland Program Development Grants	66.462	Not for Profit	\$ 178,837
	Yes/No	X6	Surveys-Studies-Investigations-Demonstrations and Special Purpose-Section 1442 of the Safe Drinking Water Act	66.424	State, Tribe, Not for Profit, State Institution of Higher Education	\$ 11,255,388
	Yes	CD	Regional Wetland Program Development Grants	66.461	State, County, Indian Tribe, Intermunicipal, Interstate, Municipal, Not for Profit, Special District, State Institution of Higher Learning, Township	\$ 12,286,075
	Yes	UW	Urban Waters.	66.440	State, County, Indian Tribe, Intermunicipal, Interstate, Municipal, Not for Profit, Private University, Special District, State Institution of Higher Learning, Township	\$ 1,538,719
	Yes	W9	The San Francisco Bay Water Quality Improvement Fund	66.126	Intermunicipal, Municipal, Not for Profit, Special District	\$ 4,210,000
	Yes	WH	Through the Healthy Watersheds Consortium Grant, EPA funds an intermediary organization to provide subawards to eligible subawardees for projects to support strategic protection of freshwater ecosystem	66.441	Not for Profit	\$ 1,895,000

	Yes	X7	Surveys-Studies and Investigations Grants and Cooperative Agreements- Section 104(b)(3) of the Clean Water Act	66.436	State, County, Interstate, Not for Profit, Special District, State Institution of Higher Education	\$ 5,618,771
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NPM	Competitive	Program Code	Program Description	CFDA	Grantee Types	Total
Office of Air	No	A	Air Pollution Control Program Support	66.001	State, Tribe, County, Intermunicipal, Municipal, Special District, Township	\$ 162,208,328
	No	DS	State Clean Diesel Grant Program (B)	66.040	State	\$ 11,956,860
	No	K1	State Indoor Radon Grants	66.032	State, Tribe, State Institution of Higher Education	\$ 8,126,115
	No	PM	PM2.5 Monitoring Network	66.034	State, County, Municipal, Not for Profit, Special District, Township	\$ 26,010,824
	No	TX	Training, Investigations, and Special Purpose Activities of Federally-Recognized Indian Tribes Consistent With the Clean Air Act (CAA), Tribal Sovereignty and the Protection and Management of Air Qual	66.038	Tribe	\$ 6,368,996
	Yes	DE	National Clean Diesel Funding Assistance Program (B)	66.039	State, Tribe, County, Independent School, Intermunicipal, Municipal, Not for Profit, Other, Special District, State Institution of Higher Education	\$ 32,580,844
	Yes	EM	Congressionally Mandated Projects	66.202	State, Municipal, Not for Profit, Special District	\$ 9,934,430
	Yes	IT	Internships, Training, Workshops and Fellowships for the Office of Air and Radiation	66.037	State Institution of Higher Education	\$ 2,250,120
	Yes	XA	Surveys-Studies-Investigations-Demonstrations and Special Purpose Activities relating to the Clean Air Act	66.034	State, Tribe, County, Foreign Recipient, Interstate, Municipal, Not for Profit, Private University, Special District, State Institution of Higher Education	\$ 19,321,629
Office of Land and Emergency Management	No	D	Hazardous Waste Management State Program	66.801	State, Interstate	\$ 96,238,570
	No	L	STATE and TRIBAL Underground Storage Tanks Program	66.804	State, Tribe	\$ 26,329,490
	No	LS	Leaking Underground Storage Tank Trust Fund Program	66.805	State, Tribe	\$ 54,810,534
	No	RP	State and Tribal Response Program Grants	66.817	State, Tribe, Special Districe	\$ 46,771,267
	No	US	Headquarters and Regional Underground Storage Tanks Program	66.816	Interstate, Not for Profit	\$ 1,132,633
	No	V	Hazardous Substances Response Trust Fund	66.802	State, Tribe, County, Municipal, Other, Special District, State Institution of Higher Education	\$ 82,075,731
	No	VC	Superfund State and Indian Tribe Core Program Cooperative Agreements	66.809	State, Tribe	\$ 4,068,728
	Yes	JT	Environmental Workforce Development and Job Training Cooperative Agreements	66.815	County, Municipal, Not for Profit, State Institution of Higher Education	\$ 3,436,396
	Yes	TR	Brownfields Training-Research and Technical Assistance Grants and Cooperative Agreements	66.814	Intermunicipal, Municipal, Not for Profit, State Institution of Higher Education	\$ 4,861,111
	Yes	BF	Brownfields Assessment and Cleanup Cooperative Agreements	66.818	State, County, Tribe, Intermunicipal, Municipal, Not for Profit, Other, Special District, Township	\$ 65,754,907
	Yes	X1	Solid Waste Management Assistance: Training Education Studies and Demonstrations	66.808	County, Tribe, Municipal, Not for Profit, Private University, Special District, State Institution of Higher Education	\$ 2,091,610
Office of Administration and Resources Management	No	Q	Senior Environmental Employment (SEE) Program	66.508	Not for Profit	\$ 41,002,626
Office of Water	Yes	AI	Environmental Finance Center Grants (OCFO)	66.203	Not for Profit, Private University, State Institution of Higher Education	\$ 2,087,103

NPM	Competitive	Program Code	Program Description	CFDA	Grantee Types	Total
Office of Chemical Safety and Pollution Prevention	No	E	Consolidated Pesticide Enforcement Cooperative Agreements	66.700	State, Tribe, State Institution of Higher Education	\$ 28,825,798
	No	K	Toxic Substances Compliance Monitoring Cooperative Agreements	66.701	State	\$ 3,962,210
	No	PB	State Lead Grants	66.707	State, Tribe	\$ 12,592,440
	Yes	NP	Pollution Prevention Grants Program	66.708	State, Tribe, State Institution of Higher Education	\$ 5,390,061
	Yes	X8	Surveys-Studies-Investigations-Demonstrations-Educational Outreach and Special Projects	66.716	State, Tribe, Not for Profit, Private University, State Institution of Higher Education	\$ 6,869,493
Office of Environmental Information	Yes	OS	Environmental Information Exchange Network Grant Program	66.608	State, Tribe, Not for Profit, State Institution of Higher Education	\$ 10,497,186
Office of International and Tribal Affairs	No	DI	Direct Implementation Tribal Cooperative Agreements	66.473	Tribe	\$ 1,287,604
	No	GA	Indian Environmental General Assistance Program	66.926	Tribe	\$ 66,789,892
	No	X4	International Financial Assistance Projects Sponsored by the Office of International Affairs	66.931	Foreign Recipient, Municipal, Not for Profit, Other, State Institution of Higher Education	\$ 2,049,455
Office of Research and Development	Yes	CR	Office of Research and Development Consolidated Research	66.511	Foreign Recipient, Municipal, Not for Profit, Private University, State Institution of Higher Education	\$ 16,901,177
	Yes	FP	Science to Achieve Results (STAR) Fellowship Program	66.514	Individual	\$ 6,816,000
	Yes	MA	Greater Research Opportunities (GRO): Fellowships for Undergraduate/Graduate Environmental Study	66.513	Individual	\$ 1,725,000
	Yes	RD	Science to Achieve Results (STAR) Program	66.509	Not for Profit, Private University, Special District, State Institution of Higher Education	\$ 52,179,018
	Yes	SU	P3 Award: National Student Design Competition for Sustainability	66.516	Private University	\$ 1,121,513
	Yes	X3	Surveys-Studies-Investigations and Special Purpose Grants within the Office of Research and Development	66.510	Foreign Recipient, Not for Profit, Private University, State Institution of Higher Education	\$ 3,045,588
Office of the Administrator	Yes	EC	Environmental Justice Collaborative Problem-Solving Cooperative Agreement Program	66.306	Not for Profit	\$ 1,199,569
	Yes	NE	Environmental Education Grants	66.951	State, Independent School, Not for Profit, Private University, Special District, State Institution of Higher Education	\$ 5,120,512
	Yes	NT	Environmental Education and Training Program	66.950	Not for Profit	\$ 2,175,500
Multi-Media	No	BG	Performance Partnership Grants	66.605	State, Tribe	
					\$ 450,328,121	
	No	M	Consolidated Continuing Environmental Program Support	66.600	State, Tribe	
					\$ 31,295,727	
	No	AA	To implement high priority activities, including the processing of permits, which complement programs under established environmental statutes. These grants are to be awarded to states and territorie	66.204	State, Tribe, State Institution of Higher Education	\$ 19,764,272

Grand Total	\$ 3,910,122,548
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Small Programs on Next Chart.....	\$ 7,890,395
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Overall Total	\$ 3,918,012,943
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Notes: Programs listed had monetary awards in FY 2016. Several programs are competitive and noncompetitive. Grantee types listed are those receiving awards in FY 2016, more types may be eligible. Some DRG and M monies did not have breakout into the other programs available.

EPA Grants Programs by National Program Managers						
NPM	Competitive	Program Code	Program Description	CFDA	Grantee Types	Total
Office of Water	No	BR	Lake Pontchartrain Basin Restoration Program (PRP)	66.125	Not for Profit	\$ 947,000
Office of Air	No	ME	Temporally Integrated Monitoring of Ecosystems (TIME) and Long Term Monitoring (LTM) Program	66.042	Not for Profit	\$ 595,411
	No	OT	Ozone Transport	66.033	Interstate	\$ 643,191
Office of Land and Emergency Management	No	RT	Alternative or Innovative Treatment Technology Research-Demonstration-Training-and Hazardous Substance Research Grants	66.813	Not for Profit, State Institution of Higher Education	\$ 879,432
	Yes	HW	Hazardous Waste Management Grant Program for Tribes	66.812	Tribe	\$ 228,589
	No	1	Superfund Technical Assistance for Citizen Groups at Priority Sites	66.806	Not for Profit	\$ 295,416
Office of Administration and Resources Management	No	QS	Senior Environmental Employment (SEE) Program for Other Federal Agencies and/or for the Support of State Agencies	66.508	Not for Profit	\$ 490,586
	No	Q2	State Senior Environmental Employment Program	66.508	Not for Profit	\$ 280,000
Office of Chemical Safety and Pollution Prevention	Yes	TI	Surveys, Studies, Investigations, Training Demonstrations and Educational Outreach Related to Environmental Information and the Release of Toxic Chemicals	66.612	Private University	\$ 200,000
	Yes	X9	Source Reduction Assistance	66.717	State, County, Not for Profit, Private University, Special District, State Institution of Higher Education	\$ 909,926
Office of Enforcement and Compliance Assurance	Yes	XJ	Surveys, Studies, Investigations, and Special Purpose Activities Relating to Environmental Justice	66.309	Not for Profit, State Institution of Higher Education	\$ 76,750
	Yes	CC	Compliance Assistance-Support for Services to the Regulated Community and Other Assistance Providers	66.305	Not for Profit	\$ 240,000
	Yes	IC	Funding for environmental compliance worldwide including efforts to build capacity for compliance and enforcement in Africa, south America and other parts of the world.	66.313	Not for Profit	\$ 216,800
Office of Research and Development	No	AE	Regional Applied Research efforts	66.517	Not for Profit	\$ 60,000
Office of the Administrator	Yes	EQ	Environmental Justice Small Grant Program	66.604	Tribe, Not for Profit	\$ 297,875
	Yes	PI	Environmental Policy and Innovation Grants	66.611	State, Not for Profit	\$ 918,871
	Yes	X5	Surveys-Studies-Investigations and Special Purpose Grants within the Office of the Administrator	66.610	Not for Profit	\$ 340,000
Multi	Yes	HC	Healthy Communities Grant Program	66.110	Independent School, Intermunicipal, Municipal, Not for Profit, State Institution of Higher Education, Township	\$ 270,548
Grand Total						\$ 7,890,395

Notes: Programs listed had monetary awards in FY 2016. Grantee types listed are those receiving awards in FY 2016, more types may be eligible

From: Anderson, Denise
Location: Alm Conference Room
Importance: Normal
Subject: Briefing for Office of International and Tribal Affairs (OITA)
Categories: Record Saved - Shared
Start Date/Time: Thur 2/2/2017 3:00:00 PM
End Date/Time: Thur 2/2/2017 3:45:00 PM
[OITA overview briefing final.pptx](#)

SCt: Denise Anderson, 564-1782

To: Benton, Donald[benton.donald@epa.gov]; Schnare, David[schnare.david@epa.gov]; Ericksen, Doug[ericksen.doug@epa.gov]; Konkus, John[konkus.john@epa.gov]
Cc: Reeder, John[Reeder.John@epa.gov]; Hull, George[Hull.George@epa.gov]; Grantham, Nancy[Grantham.Nancy@epa.gov]; McCabe, Catherine[McCabe.Catherine@epa.gov]; Flynn, Mike[Flynn.Mike@epa.gov]
From: Grantham, Nancy
Sent: Mon 1/30/2017 8:31:16 PM
Subject: Information on Climate Leadership Conference (ref: 1/27 Climate Wire Story)

Please see below. Let us know if you have questions or need more info.

Thanks ng

Background on the Climate Leadership Conference

- The Climate Leadership Conference is hosted annually by the Center for Climate and Energy Solutions (C2ES) and The Climate Registry. EPA has a co-sponsorship agreement with the Center for Climate and Energy Solutions (C2ES) and The Climate Registry. As part of that agreement, EPA is a headline sponsor of the Climate Leadership Conference and is co-organizer of the Climate Leadership Awards.
- The conference is an exchange for thought leaders from business, government, academia, and the non-profit community to share best practices for integrating GHG reduction and climate risk and resilience strategies into their organization's operations. Approximately 400 participants attend, comprised of leaders from business, government, academia, and the non-profit community.
- The 2017 Climate Leadership Conference will take place March 1-3 in Chicago.

2017 EPA speakers/participants at the Climate Leadership Awards

- At the 2017 CLAs (awards dinner on March 2), EPA currently plans to have EPA Center for Corporate Climate Leadership staffer Roger Fernandez read the award winner profiles for two of the six award categories at the awards event.
- Note: In the past, EPA has served as the emcee for the awards events and former Administrators, AAs and RAs have delivered keynote addresses. Based on the timing of the event and the Presidential transition, EPA is not currently planning to fulfill these roles.

Background on the Climate Leadership Awards

- The Climate Leadership Awards is a national awards program that recognizes and incentivizes exemplary U.S. corporate, organizational, and individual leadership in response to reducing GHG emissions. Award recipients represent a wide array of industries, including finance, manufacturing, retail, technology, and local government. Recipients have demonstrated leadership in managing and reducing greenhouse gas emissions in internal operations and throughout the supply chain, as well as integrating climate resilience into their operating strategies.
- Now in its sixth year, the program has honored more than 100 recipients; the awards continue to highlight leadership in addressing climate change by reducing carbon pollution and implementing adaptation planning initiatives. The Climate Leadership Awards Dinner takes place during the annual Climate Leadership Conference.

EPA To Sponsor Climate Change Conference.

ClimateWire (1/27, Chemnick) reported that the EPA is listed as a headline sponsor of the three-day Climate Leadership Conference, which will award private-sector companies for achievements in carbon reduction. Although “the EPA will likely be led soon by a climate skeptic,” there have been no reports that the conference will be impacted.

Nancy Grantham

Office of Public Affairs

US Environmental Protection Agency

202-564-6879 (desk)

Personal Phone/Ex. 6 (mobile)

To: Schnare, David[schnare.david@epa.gov]; Benton, Donald[benton.donald@epa.gov]
Cc: Ericksen, Doug[ericksen.doug@epa.gov]
From: Davis, Patrick
Sent: Fri 2/3/2017 5:18:58 PM
Subject: Day 1

David and Don,

My thoughts for General Pruitt on day 1:

Deliberative Process Privilege/Ex. 5

Patrick Davis

To: Schnare, David[schnare.david@epa.gov]
Cc: Ericksen, Doug[ericksen.doug@epa.gov]
From: Konkus, John
Sent: Fri 2/10/2017 1:23:04 AM
Subject: DRAFT Messaging Points on the remaining EOs
[Final - WOTUS EO.docx](#)
[Final - Scientific Rigor EO.docx](#)
[Final - RFS PM.docx](#)
[Final - Ozone.docx](#)
[Final - Cost-Benefit and Domestic Benefits EO.docx](#)
[Final - LNG Export PM.docx](#)
[Final - Critical Infrastructure Protection EO.docx](#)

David: Here are the DRAFT points on the remaining EOs sans regional haze. I need to ask you some questions on that one please.

Send me your feedback and I'll edit all of these accordingly.

Thank you,

John

To: Schnare, David[schnare.david@epa.gov]
Cc: Ericksen, Doug[ericksen.doug@epa.gov]
From: Konkus, John
Sent: Fri 2/10/2017 12:06:52 AM
Subject: Messaging Points
Final - Climate Change.docx

David: Attached are the DRAFT points for EO #1. Please let me know asap what you think of these so that I can incorporate your directions into my remaining work on the others.

Thank you,

John

DRAFT Messaging Points

Executive Order Top Line

- Promoting and protecting a strong and healthy environment is among the lifeblood priorities for the government, and EPA is vital to that mission. Recently that mission has been obscured by politics and progressivism. This Executive Order will help return EPA to its core mission. We can and we will achieve clean air and clean water and we will also have strong economic growth and job creation at the same time. That is what the American people want and expect and that is we are going to deliver at EPA.

Section 1. Policy

- EPA is a vital agency, ensuring American families are healthy and safe. The mission of the EPA is to protect our natural resources, protect our water quality, improve our air, and help to protect the health and welfare of our citizens. Where enforcement is necessary to ensure that mission is upheld, I advocate for vigorous enforcement. I have done that as attorney general in Oklahoma. I have taken very constructive steps against those that have violated the law. It will be no different now that I am Administrator of the EPA. This Executive Order helps our agency do that job by providing important guidelines and direction.
- This Executive Order establishes and the courts have agreed that the EPA has exceeded its authority; that the EPA has not acted within the framework that Congress has established in performing the role that it is supposed to perform. Process matters; rule of law matters; federalism matters. Those issues matter because Congress has said so. It is Congress who gives authority to the EPA. The EPA is an administrative agency, it is not a legislative body. So it is important for this agency to act within the framework, within the substantive authority that Congress has provided it in doing its job.
- Cooperative federalism is at the heart of many of the environmental statutes that have been passed by Congress, and the reason for that is it is the States, many times, that have the resources, the expertise, and understanding of what the unique challenges are for the environment and how to improve our water and our air.

Sec. 2. Rescission of Certain Climate-Related Actions

- The climate is changing and human activity plays a role. That debate is over. The question now is this: to what extent is the climate changing, to what extent are humans the cause of this change, is it a danger to the human race and what can we do about if it is a danger? What we cannot do while these questions are being answered is stop American progress, kill American jobs, threaten American energy independence or further degrade the U.S. Constitution. This Executive Order puts the American people ahead of unanswered questions while allowing science to continue to work and guide us, but not control us.

- This Executive Order recognizes that air quality in the United States has never been better, cleaner or healthier. American power producers have done an incredible job using cutting edge ingenuity and technology to deliver clean power to American businesses and families. The public and private sectors should be proud of the progress made on this front. The American people have done their part. It's time for the federal government to do its part.

Sec. 3. United Nations Framework Convention on Climate Change (UNFCCC)

- There is an important role for the United Nations, but I'm not sure having the UN direct the United States on climate policy is one of those roles. America has led the way in reducing greenhouse gas emissions. It's time the rest of the world acknowledges that and it's time the American people were thanked for their sacrifice in achieving this high standard. No other country has met the standards America has set for itself, and it's not likely any other nation or group of nations will match what we've done anytime soon.

Sec. 4. Withdrawal of the EPA's "Clean Power Plan" and Related Rules

- The Clean Power Plan has serious legal and policy flaws. For years energy producing states such as my own have argued that this plan is an overreach by EPA, interfering with the states' sovereign rights. As directed by this Executive Order, EPA will act strictly within the governing law and the federalist framework of our Constitution, in this as in all other policy areas. I look forward to overseeing the project of restoring EPA's regulatory work in this field to its proper, lawful, and traditional role.

Sec. 5. Withdrawal of the Greenhouse Gases Endangerment Finding

- Before this Executive Order it was the EPA Administrator's duty to follow the Greenhouse Gases Endangerment Finding as directed by the courts. After this Executive Order it is the EPA Administrator's duty to follow the orders of the President and withdraw from the regulations laid out in the Executive Order. The EPA is an administrative agency, it is not a legislative body. When Congress passes a law directing EPA to adhere to or withdraw from the Greenhouse Gases Endangerment Finding, then EPA will follow that law.

Sec. 7. Social Cost of Greenhouse Gases

- To the extent that EPA does scientific research, we should use that research to inform our internal decision making, policy making, and our advice to Congress and the President, but we should not use science to scare people or as a predicate to force Americans to take actions that are not proven to make them safer or healthier. This Executive Order helps right the ship of science at EPA but retuning this agency to its core mission.

Sec. 8. NEPA

- For too long EPA has been used as a political tool to slow American progress, stop economic growth and kill American jobs. This Executive Order fixes much of that and

now EPA can refocus its work on its core mission and let the American people get back to work.

###

EXECUTIVE ORDER

War on Coal: Restoring the Rule of Law, Federalism, and Economic Growth by Rescinding Climate Change Directives

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in recognition of Congress's power to determine whether and how to effectuate Federal regulation of greenhouse gas emissions, or otherwise respond to the potential for climate change; the opportunity costs imposed by federal climate change activities that diminish the ability of Departments and Agencies to meet their core responsibilities; the States' traditional power to regulate electricity generation, distribution, and use; the principle that the U.S. Environmental Protection Agency (EPA) shall, when implementing the Clean Air Act programs of this nation, work cooperatively with the States to achieve shared environmental goals; and the imperative to promote policies in the national interest and for the benefit of American workers and their families; it is hereby ordered as follows:

Section 1. *Policy.*

It is in the national interest to ensure that the nation's electricity is affordable, reliable, safe, secure, and clean, and available to be produced from coal, natural gas, nuclear power, hydropower, other renewables, and other domestic sources.

It is the policy of the United States that executive departments and agencies including the EPA shall take appropriate actions, to the extent consistent with applicable law, to ensure clean air and clean water for the American people in cooperation with the States and according to standards both as set forth by Congress, in respect of the proper roles of Congress and the States concerning these matters in our constitutional republic.

It is the policy of the United States that federal regulations and directives be based on careful consideration of science and principles of science reflecting input from the entirety of the scientific community; and that those agencies with statutory responsibility for regulation and formulation of directives integrate scientific knowledge in the first instance, rather than rely on that conducted by other units of government or international bodies.

It is the policy of the United States that when promulgating federal regulations for the environment, it is necessary to ensure that policy solutions comport with the law, provide substantially more benefits than the costs imposed, accurately gauge those costs, reflect the opportunity costs of policy solutions, achieve meaningful environmental improvements for the American people, and are developed through transparent procedures using the best available science.

Sec. 2. Rescission of Certain Climate-Related Actions.

(a) The following Presidential actions are hereby revoked:

Executive Order 13754 of December 9, 2016, which addressed Northern Bering Sea Climate Resilience.

Executive Order 13653 of November 1, 2013, which required certain actions by the Federal government and other entities concerning climate change;

Executive Order 13677 of September 23, 2014 (Climate-Resilient International Development), which set requirements for systematically integrating climate-resilience considerations into U.S. international development work;

The Presidential Memorandum of June 25, 2013, concerning "Power Sector Carbon Pollution Standards", 78 Fed. Reg. 39,535 (July 1, 2013);

The Report of the Executive Office of the President entitled, "The President's Climate Action Plan," dated June 2013; and,

The Presidential Memorandum of September 21, 2016, entitled, "Climate Change and National Security".

The Presidential Memorandum of December 5, 2013, entitled "Federal Leadership on Energy Management."

The Presidential Memorandum of February 03, 2010, entitled, "A Comprehensive Federal Strategy on Carbon Capture and Storage.

(b) Executive Order 13693 of March 19, 2015, (Planning for Federal Sustainability in the Next Decade), which directed Federal actions to improve environmental performance and Federal sustainability, is amended by deleting: (1) section 1 through section 15; (2) the first sentence of section 16(a); (3) "Therefore," of the second sentence of section 16(a); (3) sections 16(d) through 16(e); and sections 17 through 20.

(c) The Administrator of EPA, the Council on Environmental Quality (CEQ), and heads of all executive departments and agencies shall (i) promptly identify every order, rule, regulation, guideline, or policy implementing or enforcing the Presidential actions listed in subparagraph (a); (ii) specify the source of authority for each; (iii) shall terminate, effective today, any actions based on said Presidential actions immediately, and otherwise stay and move to rescind each such activity (including funding) until the Office of Management and Budget authorizes/directs reinvestment, modification or cessation of the program/project, unless required unambiguously by statute.

Sec. 3. United Nations Framework Convention on Climate Change (UNFCCC).

- (a) On March 17, 2016, the State of Palestine became a Party to the UNFCCC, an affiliated organization of the United Nations. Since March 17, 2016, the United States has continued to make contributions, including financial contributions, to the Convention, which are contrary to section 410(1) of Public Law 103-236, the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995, and are violations of the Antideficiency Act.
- (b) Each Executive Department or Agency shall immediately terminate, effective today, all contributions, including financial contributions, to the UNFCCC, including its subsidiary bodies, its financial mechanisms (Green Climate Fund and Global Environment Facility), the Least Developed Countries Fund, the Special Climate Change Fund, the Adaptation Fund, as well to the Intergovernmental Panel on Climate Change (IPCC) for any UNFCCC-requested Special Report, Methodological Report, or Technical Report.
- (c) Each Executive Department or Agency who have made contributions, including financial contributions, to the UNFCCC, from March 17, 2016 to today, are directed to report immediately the amounts of those contributions to the Office of Management and Budget and to make every effort to recover those amounts from the UNFCCC, including its subsidiary bodies, its financial mechanisms (Green Climate Fund and Global Environment Facility), the Least Developed Countries Fund, the Special Climate Change Fund, the Adaptation Fund, as well from the Intergovernmental Panel on Climate Change (IPCC), as appropriate.
- (d) Pursuant to Article 25 of the UNFCCC, the United States withdraws from the UNFCCC, including the “Paris Agreement” of 2015.
- (e) The Department of State is directed to immediately give written notification of its withdrawal to the Depository per Article 25(1) of the UNFCCC, to wit, the Secretary-General of the United Nations.

Sec. 4. Withdrawal of the EPA's "Clean Power Plan" and Related Rules.

- (a) On February 10, 2015, the United States Supreme Court stayed implementation of EPA’s “Clean Power Plan”, which regulation remains stayed by that Court’s order. Section 705 of the Administrative Procedures Act, 5 U.S.C. 705, provides further legal authority for this Administration to establish an additional executive stay of the Clean Power Plan. In particular, Section 705 authorizes the Administration, when it “finds that justice so requires,” to postpone the effective date of agency action pending judicial review.

For the reasons justifying the stay order of the Supreme Court, and other pertinent reasons set forth by the States opposing the Clean Power Plan and related rules, I hereby find that justice requires a permanent, administrative stay and consideration for revision or withdrawal of the Clean Power Plan and similar and related rules. To that end, the Administrator of EPA shall promptly administratively stay the final rules listed in subparagraph (b) pursuant to the authority recognized by Section 705 of the Administrative Procedure Act.

The Administrator of the EPA shall also consider petitions filed with the Agency to reconsider the Clean Power Plan and, where appropriate, grant such petitions where the effect of such grants would effectuate the purposes of this Executive Order.

The Administrator of EPA shall immediately take all steps necessary to effectuate the lawful

withdrawal and rescission of the final rules listed in subparagraph (b) below, along with any orders, rules, regulations, guidelines, or policies implementing or enforcing those final rules, to the extent consistent with law, and shall terminate, effective today, any actions based on those rules. The Administrator shall also promptly take final action to withdraw the proposed rules listed in subparagraph (b) below. Where appropriate, the Administrator shall simultaneously take action to promulgate in revised form any of the rules listed in subparagraph (b) below.

(b) Final or proposed rules for withdrawal or recession pursuant to subparagraph (a):

Final Rule, "Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units," published at 80 Federal Register 64661 (October 23, 2015) (also known as the "Clean Power Plan").

Final Rule, "Standards of Performance for Greenhouse Gas Emissions from New, Modified, and Reconstructed Stationary Sources: Electric Utility Generating Units," published at 80 Federal Register 64509 (October 23, 2015).

Final Rule, "Standards of Performance for Municipal Solid Waste Landfills" published at 81 Federal Register 59332 (August 29, 2016).

Final Rule, "Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources," published at 81 Federal Register 35824 (June 3, 2016).

Final Rule, "Source Determination for Certain Emission Units in the Oil and Natural Gas Sector," published at 81 Federal Register 35622 (June 3, 2016).

Final Rule, "Finding That Greenhouse Gas Emissions From Aircraft Cause or Contribute to Air Pollution That May Reasonably Be Anticipated To Endanger Public Health and Welfare," published at 81 Federal Register 54421 (August 15, 2016); and the associated EPA denial of the Biogenic CO₂ Coalition's petition for reconsideration of this final action.

Revised Guidance, "Guidance for Implementing Section 141 of the Energy Independence and Security Act of 2007, Federal Vehicle Fleets and Low Greenhouse Gas-Emitting Vehicles," published at EPA-420-B-16-055 (May 2016).

Proposed Rule, "Federal Plan Requirements for Greenhouse Gas Emissions From Electric Utility Generating Units Constructed on or Before January 8, 2014; Model Trading Rules; Amendments to Framework Regulations; Proposed Rule," 80 Federal Register 64966 (October 23, 2015).

Proposed Rule, "Revisions to the Prevention of Significant Deterioration (PSD) and Title V Greenhouse Gas (GHG) Permitting Regulations and Establishment of a Significant Emissions Rate (SER) for GHG Emissions Under the PSD Program," published at 81 Federal Register 68110 (October 3, 2016).

(c) The Administrator shall have the discretion to commence administrative proceedings both to reconsider and to rescind the rules listed in subparagraph (b) in a manner that is

consistent with the Clean Air Act and other applicable law including the limitations on the Administrator's discretion and consistent with constitutional principles of federalism and separation of powers, while also providing for significant interagency input in the Administrator's reconsideration processes and any subsequent related rulemaking processes, if any.

(d) The Administrator shall rescind EPA's "Legal Memorandum Accompanying Clean Power Plan for Certain Issues," which was published in conjunction with the Clean Power Plan, and said memorandum shall be of no further force or effect.

(e) With respect to litigation before the Federal courts related to rules listed in subparagraph (b) of this Section, the Administrator shall take all available measures to effectuate the directive in subparagraph (a), including by promptly directing the U.S. Department of Justice to seek remand of the final rules listed in subparagraph (b) by judicial orders holding all litigation concerning the final rules listed in subparagraph (b) in abeyance until such time as the Administrator takes final action to rescind the Clean Power Plan. The Administrator shall immediately cease all efforts related to implementation of the actions listed in subparagraph (b), including without limitation by immediately ceasing any expenditures related to implementation of the final rules listed in subparagraph (b) except as directly required by applicable appropriations.

(f) The Secretary of the Interior shall immediately take all steps necessary to effectuate the lawful withdrawal and rescission of the Final Rule, "Oil and Gas: Hydraulic Fracturing on Federal and Indian Lands," published at 80 Federal Register 16128 (March 26, 2016), and all other rules and guidance published pursuant thereto.

Sec. 5. Withdrawal of the Greenhouse Gases Endangerment Finding

Pursuant to Section 705 of the Administrative Procedures Act, 5 U.S.C. 705, I hereby find that justice requires a permanent, administrative stay and revision or withdrawal of the "Endangerment and Cause or Contribute Findings for Greenhouse Gases Under Section 202(a) of the Clean Air Act" published at 74 Federal Register 66496 (December 15, 2009).

The Administrator of the EPA shall also consider petitions filed with the Agency to reconsider the this or any other related endangerment finding and, where appropriate, grant such petitions where the effect of such grants would effectuate the purposes of this Executive Order.

In conducting its reconsideration, revision or withdrawal of endangerment findings, EPA shall rigorously apply EPA and OMB "Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity of Information Disseminated by Federal Agencies."

Sec. 6. GHG Reporting Rule

The EPA Administrator shall review and, unless not justified by sound science or legal constraints, grant requests or petitions for reconsideration of the Subpart W Greenhouse Gas Reporting rule, and engage in rule-making intended to remedy that rule's most onerous

requirements.

Sec. 7. Social Cost of Greenhouse Gases

- (a) I find that multiple independent reviews of the basis for estimating a social cost of carbon or greenhouse gases document the fundamental weaknesses in these estimators. They fail to meet the requirements of appropriate use of information disseminated by federal agencies under the Information Quality Act guidelines and as such are without sufficient quality, objectivity, utility, and integrity to support decision-making regarding the value of greenhouse gas reductions.
- (b) The Interagency Working Group on Social Cost of Greenhouse Gases shall be dissolved immediately.
- (c) The guidance document titled “Technical Support Document: Technical Update of the Social Cost of Carbon for Regulatory Impact Analysis Under Executive Order 12866” (July 2015), and all predecessor or successor documents, and any other guidance or policies promulgated thereto are hereby rescinded.
- (d) The guidance document titled “Addendum to Technical Support Document on Social Cost of Carbon for Regulatory Impact Analysis under Executive Order 12866: Application of the Methodology to Estimate the Social Cost of Methane and the Social Cost of Nitrous Oxide” (August 2016), and all predecessor or successor documents, and any other guidance or policies promulgated thereto is hereby rescinded.
- (e) All regulatory agencies and any Executive Branch Department or Agency preparing environmental assessments or impact statements shall immediately suspend use of “Social Cost of Carbon” or the “Social Cost of Greenhouse Gases” or the “Social Cost of Methane” or the “Social Cost of Nitrous Oxide” estimates in any regulatory or National Environmental Policy Act (NEPA) analyses.
- (f) Each Agency or Department shall (i) report to OMB, CEQ and CEA each instance in which the “Social Cost of Carbon” or the “Social Cost of Greenhouse Gases” or the “Social Cost of Methane” or the “Social Cost of Nitrous Oxide” has been used (specifying the regulation, guidance or analysis); (ii) amend any environmental assessments or environmental impact analyses prepared under NEPA, withdrawing any reliance upon an estimated “Social Cost of Carbon” or the “Social Cost of Greenhouse Gases” or the “Social Cost of Methane” or the “Social Cost of Nitrous Oxide”; and (iii) amend any regulatory impact analysis for any major rule to eliminating any reliance upon “Social Cost of Carbon” or the “Social Cost of Greenhouse Gases” or the “Social Cost of Methane” or the “Social Cost of Nitrous Oxide” estimates.

Sec. 8. NEPA

Consonant with other sections of this Executive Order, the following memorandum and guidance promulgated by the Council on Environmental Quality is hereby revoked:

Final Guidance for Federal Departments and Agencies on Consideration of Greenhouse Gas Emissions and the Effects of Climate Change in National Environmental Policy Act Reviews, Dated August 1, 2016.

Each Agency or Department shall (i) report to CEQ and CEA each instance in which NEPA analyses incorporated or otherwise applied the above identified Final Guidance, or drafts of that Guidance (specifying the regulation, guidance or analysis); (ii) amend any environmental assessments or environmental impact analyses prepared under NEPA, withdrawing any reliance upon the Draft or Final Guidance; and (iii) amend any regulatory impact analysis for any major rule to eliminating any reliance upon the Draft or Final Guidance.

Sec. 9. General Provisions

- (a) Nothing in this order shall be construed to impair or otherwise affect (i) authority granted by law to a department or agency, or the head thereof; or (ii) functions of the Director of the Office of Management and Budget relating to budget, administrative, or legislative proposals.
- (b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.
- (c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

THE WHITE HOUSE,
January 20, 2017

To: Schnare, David[schnare.david@epa.gov]
Cc: Ericksen, Doug[ericksen.doug@epa.gov]; Benton, Donald[benton.donald@epa.gov]; Munoz, Charles[munoz.charles@epa.gov]; Flynn, Mike[Flynn.Mike@epa.gov]; McCabe, Catherine[McCabe.Catherine@epa.gov]
From: Reeder, John
Sent: Mon 1/30/2017 2:13:38 PM
Subject: Re: EPA Climate Change Awards

Will follow up with you

Sent from my iPhone

On Jan 30, 2017, at 8:01 AM, Schnare, David <schnare.david@epa.gov> wrote:

We need to find out exactly what our role in this meeting is, whether we are sponsors and whether the awards are from EPA or the other sponsors.

We also need to find out what other such events are planned for which EPA is a sponsor.

John, can you please get us this information?

d.

From: Ericksen, Doug
Sent: Monday, January 30, 2017 7:49 AM
To: Benton, Donald <benton.donald@epa.gov>; Munoz, Charles <munoz.charles@epa.gov>; Schnare, David <schnare.david@epa.gov>
Subject: EPA Climate Change Awards

How do we want to handle this one?

The event in question is scheduled for March 1-3.

ericksen

EPA

Agency awaiting Pruitt plans to give climate awards

Jean Chemnick, E&E News reporter

Published: Friday, January 27, 2017

U.S. EPA will likely be led soon by a climate skeptic, but it's still planning to give out climate leadership awards to businesses and professionals at a Chicago ceremony later this winter.

The agency is listed as the headline sponsor of a voluntary awards program to be held as part of the three-day Climate Leadership Conference on March 1-3. The gathering is presented by the Center for Climate and Energy Solutions and the Climate Registry with other private sponsors. The awards recognize private-sector achievements in carbon reduction. Winners have not been announced.

The ceremony is still being planned despite the Trump administration's decision to cancel other climate-related gatherings, like a Climate and Health Summit that the Centers for Disease Control and Prevention had planned to host next month. It seems likely that Oklahoma Attorney General Scott Pruitt (R) will be EPA administrator at the time of that agency's event. He has expressed doubt about the role human activity plays in driving climate change.

A vote hasn't been scheduled yet on Pruitt's nomination, but the longtime adversary of EPA climate rules told a Senate committee earlier this week that the consequences of CO2 emissions are "subject to continuing debate and dialogue."

The event's planners said they had not been notified of any changes to either the conference or dinner and are hopeful that it will not be affected since it's not related to regulations. The awards dinner is an annual affair that former EPA Administrator Gina McCarthy presided over last year. Organizers said that no EPA officials were ever slated to speak, though support staff typically attends. EPA did not return calls.

The speakers lineup includes Paula Gant, deputy assistant secretary for oil and natural gas at the Energy Department.

To: Benton, Donald[benton.donald@epa.gov]; briefings[briefings@epa.gov]; Burden, Susan[Burden.Susan@epa.gov]; Ericksen, Doug[ericksen.doug@epa.gov]; Flynn, Mike[Flynn.Mike@epa.gov]; Hautamaki, Jared[Hautamaki.Jared@epa.gov]; Kenny, Shannon[Kenny.Shannon@epa.gov]; Knapp, Kristien[Knapp.Kristien@epa.gov]; McCabe, Catherine[McCabe.Catherine@epa.gov]; Munoz, Charles[munoz.charles@epa.gov]; Naples, Eileen[Naples.Eileen@epa.gov]; Reeder, John[Reeder.John@epa.gov]; Richardson, RobinH[Richardson.RobinH@epa.gov]; Schnare, David[schnare.david@epa.gov]; Threet, Derek[Threet.Derek@epa.gov]
From: Brown, Stephanie N.
Sent: Tue 1/24/2017 9:07:24 PM
Subject: Daily Reading File: January 24, 2017
[Daily Reading File.1.24.17.pdf](#)



Correspondence Management System

Control Number: AX-17-000-3565

Printing Date: January 24, 2017 02:01:20



Citizen Information

Citizen/Originator: Wiener, Matthew Lee

Organization: Administrative Conference of the United States

Address: 1120 20th Street, NW, Washington, DC 20036

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-17-000-3565

Alternate Number: N/A

Status: Pending

Closed Date: N/A

Due Date: Feb 8, 2017

of Extensions: 0

Letter Date: Jan 12, 2017

Received Date: Jan 23, 2017

Addressee: AD-Administrator

Addressee Org: EPA

Contact Type: MEM (Memo)

Priority Code: Normal

Signature: DX-Direct Reply

Signature Date: N/A

File Code: 404-141-02-01_141_b Controlled and Major Corr. Record copy of the offices of Division Directors and other personnel.

Subject: DRF - Recommendations Adopted by the Conference During 2016

Instructions: DX-Respond directly to this citizen's questions, statements, or concerns

Instruction Note: N/A

General Notes: N/A

CC: Derek Threet - AO-IO

OCIR - Office of Congressional and Intergovernmental Relations

OGC - Office of General Counsel -- Immediate Office

OPA - Office of Public Affairs

Lead Information

Lead Author: N/A

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
Jacqueline Leavy	OEX	OARM	Jan 24, 2017	Feb 8, 2017	N/A
Instruction: DX-Respond directly to this citizen's questions, statements, or concerns					

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
No Record Found.			

History

Action By	Office	Action	Date
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ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

January 12, 2017

MEMORANDUM TO THE HEADS OF FEDERAL AGENCIES

FROM: Matthew Lee Wiener *MLW*
Vice Chairman and Executive Director

SUBJECT: Recommendations Adopted by the Conference During 2016

I am pleased to transmit the recommendations adopted by the Assembly of the Administrative Conference of the United States during 2016 at its 65th and 66th plenary sessions. They are preceded by summaries of each drawn from the *Federal Register*. Additional information on these recommendations and the Conference's other work during 2016—programs, reports, and so forth—is available on the Conference's website, www.acus.gov.

Implementation of the Conference's recommendations requires the participation of the federal agencies to which they are directed. To that end, I respectfully ask that you 1) provide the recommendations to the officials at your agency who are best positioned to implement them, and 2) apprise us of any actions taken to implement them. Our staff will be pleased, of course, to provide any requested assistance.

As always, you have our sincerest appreciation for your agency's invaluable participation in the Conference's important work.

cc: Agency Liaisons to the Administrative Conference of the United States
Shawne McGibbon
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OFFICE OF THE
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SUMMARIES OF RECOMMENDATIONS
ADOPTED BY THE ADMINISTRATIVE CONFERENCE OF THE UNITED STATES
AT ITS 65th PLENARY SESSION

Recommendation 2016-1, *Consumer Complaint Databases*. This recommendation encourages agencies that make consumer complaints publicly available through online databases or downloadable data sets to adopt and publish written policies governing the dissemination of such information to the public. These policies should inform the public of the source and limitations of the information and permit entities publicly identified to respond or request corrections or retractions.

Recommendation 2016-2, *Aggregation of Similar Claims in Agency Adjudication*. This recommendation provides guidance to agencies on the use of aggregation techniques to resolve similar claims in adjudications. It sets forth procedures for determining whether aggregation is appropriate. It also considers what kinds of aggregation techniques should be used in certain cases and offers guidance on how to structure the aggregation proceedings to promote both efficiency and fairness.

{recommendations follow this page}

Notices

Federal Register

Vol. 81, No. 119

Tuesday, June 21, 2016

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Adoption of Recommendations

AGENCY: Administrative Conference of the United States.

ACTION: Notice.

SUMMARY: The Administrative Conference of the United States adopted two recommendations at its Sixty-fifth Plenary Session. The appended recommendations address: Consumer Complaint Databases and Aggregation of Similar Claims in Agency Adjudication.

FOR FURTHER INFORMATION CONTACT: For Recommendation 2016–1, Gisselle Bourns; for Recommendation 2016–2, Amber Williams. For both of these actions the address and telephone number are: Administrative Conference of the United States, Suite 706 South, 1120 20th Street NW., Washington, DC 20036; Telephone 202–480–2080.

SUPPLEMENTARY INFORMATION: The Administrative Conference Act, 5 U.S.C. 591–596, established the Administrative Conference of the United States. The Conference studies the efficiency, adequacy, and fairness of the administrative procedures used by Federal agencies and makes recommendations to agencies, the President, Congress, and the Judicial Conference of the United States for procedural improvements (5 U.S.C. 594(1)). For further information about the Conference and its activities, see www.acus.gov. At its Sixty-fifth Plenary Session, held June 10, 2016, the Assembly of the Conference adopted two recommendations.

Recommendation 2016–1, *Consumer Complaint Databases*. This recommendation encourages agencies that make consumer complaints publicly available through online databases or downloadable data sets to adopt and publish written policies governing the dissemination of such information to the public. These

policies should inform the public of the source and limitations of the information and permit entities publicly identified to respond or request corrections or retractions.

Recommendation 2016–2, *Aggregation of Similar Claims in Agency Adjudication*. This recommendation provides guidance to agencies on the use of aggregation techniques to resolve similar claims in adjudications. It sets forth procedures for determining whether aggregation is appropriate. It also considers what kinds of aggregation techniques should be used in certain cases and offers guidance on how to structure the aggregation proceedings to promote both efficiency and fairness.

The Appendix below sets forth the full texts of these two recommendations. The Conference will transmit them to affected agencies, Congress, and the Judicial Conference of the United States. The recommendations are not binding, so the entities to which they are addressed will make decisions on their implementation.

The Conference based these recommendations on research reports that are posted at: <https://www.acus.gov/65th>. A video of the Plenary Session is available at: new.livestream.com/ACUS/65thPlenary, and a transcript of the Plenary Session will be posted when it is available.

Dated: June 16, 2016.

Shawne C. McGibbon,
General Counsel.

APPENDIX—RECOMMENDATIONS OF THE ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Administrative Conference Recommendation 2016–1

Consumer Complaint Databases
Adopted June 10, 2016

Some federal agencies maintain records of consumer complaints and feedback on products and services offered by private entities. Taking advantage of recent technological developments, several agencies have recently begun to make such information available to the public through online searchable databases and downloadable data sets that contain complaint narratives or provide aggregate data about complaints. Examples of such online searchable databases include: the Consumer Product Safety Commission's database of consumer product incident reports ("Saferproducts.gov"); the National Highway Traffic Safety Administration's database of recalls, investigations, and

complaints ("Safercar.gov"); and the Consumer Financial Protection Bureau's database of financial products and services complaints ("Consumer Complaint Database").¹

As documented by the Executive Office of the President's National Science and Technology Council, agencies are constantly improving databases that publish consumer complaints and information, and are gradually developing best practices for such disclosures.² Two policy considerations are significant in this process. Agencies must have the flexibility to provide information to the public to facilitate informed decisionmaking. At the same time, agencies should inform the public of the limitations of the information they disseminate.³ The following recommendations aim to promote the widespread availability of such information and to identify best practices to ensure the integrity of complaints databases and data sets.

Recommendation

To the extent permitted by law, agencies that make consumer complaints publicly available (whether in narrative or aggregated form) through online databases or downloadable data sets should adopt and publish online written policies governing the public dissemination of consumer complaints through databases or downloadable data sets. These policies should:

1. Inform the public of the source(s) and limitations of the information, including whether the information is verified or

¹ Other examples located by the Administrative Conference include: the Department of Transportation's monthly data sets on the number and types of complaints against airlines ("Air Travel Consumer Report") (only aggregated data about complaints is made public, with the exception of animal incident reports, for which a narrative description is provided); the Federal Trade Commission's consumer complaints database ("Consumer Sentinel") (only aggregated data about complaints is made public); and the Federal Communications Commission's database of unwanted calls and consumer complaints ("Consumer Complaints at the FCC") (complaint narratives are not provided). Some databases and data sets include reports from both consumers and manufacturers, such as the Food and Drug Administration's database of reports of suspected device-associated deaths, serious injuries, and malfunctions ("MAUDE"), as well as its downloadable data sets of adverse events and medication errors ("FAERS").

² See Executive Office of the President, National Science and Technology Council, Smart Disclosure and Consumer Decision Making: Report of the Task Force on Smart Disclosure 15 (May 30, 2013).

³ See generally *id.*; see also Nathan Cortez, Agency Publicity in the Internet Era 44–45 (Sept. 25, 2015) (report to the Administrative Conference of the United States), <https://www.acus.gov/report/agency-publicity-internet-era-report> (discussing disclaimers provided by Food and Drug Administration on the accuracy and reliability of data in MAUDE and FAERS databases).

authenticated by the agency, and any procedures used to do so:

2. permit entities publicly identified in consumer complaints databases or downloadable data sets to respond, as practicable, or request corrections or retractions, as appropriate; and

3. give appropriate consideration to privacy interests.

Administrative Conference Recommendation 2016–2

Aggregation of Similar Claims in Agency Adjudication

Adopted June 10, 2016

Federal agencies in the United States adjudicate hundreds of thousands of cases each year—more than the federal courts. Unlike federal and state courts, federal agencies have generally avoided aggregation tools that could resolve large groups of claims more efficiently. Consequently, in a wide variety of cases, agencies risk wasting resources in repetitive adjudication, reaching inconsistent outcomes for the same kinds of claims, and denying individuals access to the affordable representation that aggregate procedures promise. Now more than ever, adjudication programs, especially high volume adjudications, could benefit from innovative solutions, like aggregation.¹

The Administrative Procedure Act (APA)² does not provide specifically for aggregation in the context of adjudication, though it also does not foreclose the use of aggregation procedures. Federal agencies often enjoy broad discretion, pursuant to their organic statutes, to craft procedures they deem “necessary and appropriate” to adjudicate the cases and claims that come before them.³ This broad discretion includes the ability to aggregate common cases, both formally and informally. Formal aggregation involves permitting one party to represent many others in a single proceeding.⁴ In informal aggregation, different claimants with very similar claims pursue a separate case with separate counsel, but the agency assigns them to the same adjudicator or to the same

docket, in an effort to expedite the cases, conserve resources, and ensure consistent outcomes.⁵

Yet, even as some agencies face large backlogs, few have employed such innovative tools. There are several possible explanations for this phenomenon. The sheer number of claims in aggregate agency adjudications may raise concerns of feasibility, legitimacy, and accuracy because aggregation could (1) create diseconomies of scale by inviting even more claims that further stretch the agency’s capacity to adjudicate; (2) negatively affect the perceived legitimacy of the process; and (3) increase the consequence of error.

Notwithstanding these risks, several agencies have identified contexts in which the benefits of aggregation, including producing a pool of information about recurring problems, achieving greater equality in outcomes, and securing the kind of expert assistance high volume adjudication attracts, outweigh the costs.⁶ Agencies have also responded to the challenges of aggregation by (1) carefully piloting aggregation procedures to improve output while avoiding creation of new inefficiencies; (2) reducing potential allegations of bias or illegitimacy by relying on panels, rather than single adjudicators, and providing additional opportunities for parties to voluntarily participate in the process; and (3) allowing cases raising scientific or novel factual questions to “mature”⁷—that is, putting off aggregation until the agency has the benefit of several opinions and conclusions from different adjudicators about how a case may be handled expeditiously.

The Administrative Conference recognizes aggregation as a useful tool to be employed in appropriate circumstances. This recommendation provides guidance and best practices to agencies as they consider whether or how to use or improve their use of aggregation.⁸

Recommendation

1. Aggregate adjudication where used should be governed by formal or informal

aggregation rules of procedure consistent with the APA and due process.

Using Alternative Decisionmaking Techniques

2. Agencies should consider using a variety of techniques to resolve claims with common issues of fact or law, especially in high volume adjudication programs. In addition to the aggregate adjudication procedures discussed in paragraphs 3–10, these techniques might include the designation of individual decisions as “precedential,” the use of rulemaking to resolve issues that are appropriate for generalized resolution and would otherwise recur in multiple adjudications, and the use of declaratory orders in individual cases.

Determining Whether To Use Aggregation Procedures

3. Agencies should take steps to identify whether their cases have common claims and issues that might justify adopting rules governing aggregation. Such steps could include:

a. Developing the information infrastructure, such as public centralized docketing, needed for agencies and parties to identify and track cases with common issues of fact or law;

b. Encouraging adjudicators and parties to identify specific cases or types of cases that are likely to involve common issues of fact or law and therefore prove to be attractive candidates for aggregation; and

c. Piloting programs to test the reliability of an approach to aggregation before implementing the program broadly.

4. Agencies should develop procedures and protocols to assign similar cases to the same adjudicator or panel of adjudicators using a number of factors, including:

a. Whether coordination would avoid duplication in discovery;

b. Whether it would prevent inconsistent evidentiary or other pre-hearing rulings;

c. Whether it would conserve the resources of the parties, their representatives, and the agencies; and

d. Where appropriate, whether the agencies can accomplish similar goals by using other tools as set forth in paragraph 2.

5. Agencies should develop procedures and protocols for adjudicators to determine whether to formally aggregate similar claims in a single proceeding with consideration of the principles and procedures in Rule 23 of the Federal Rules of Civil Procedure, including:

a. Whether the number of cases or claims are sufficiently numerous and similar to justify aggregation;

b. Whether an aggregate proceeding would be manageable and materially advance the resolution of the cases;

c. Whether the benefits of collective control outweigh the benefits of individual control, including whether adequate counsel is available to represent the parties in an aggregate proceeding;

d. Whether (or the extent to which) any existing individual adjudication has (or related adjudications have) progressed; and

e. Whether the novelty or complexity of the issues being adjudicated would benefit from the input of different adjudicators.

¹ Other related techniques that can help resolve recurring legal issues in agencies include the use of precedential decisions, declaratory orders as provided in 5 U.S.C. 554(e), and rulemaking. With respect to declaratory orders, see Recommendation 2015–3, *Declaratory Orders*, 80 FR 78,163 (Dec. 16, 2015), available at <https://www.acus.gov/recommendation/declaratory-orders>. The Supreme Court has recognized agency authority to use rulemaking to resolve issues that otherwise might recur and require hearings in adjudications. See *Heckler v. Campbell*, 461 U.S. 458 (1983).

² See Administrative Procedure Act, Public Law 79–404, 60 Stat. 237 (1946) (codified as amended at 5 U.S.C. 551–559, 701–706 and scattered sections in Title 5).

³ Broad discretion exists both in “formal adjudication,” where the agency’s statute requires a “hearing on the record,” triggering the APA’s trial-type procedures, and in “informal adjudication,” where the procedures set forth in APA §§ 554, 556 & 557 are not required, thus allowing less formal procedures (although some “informal adjudications” are nevertheless quite formal).

⁴ This recommendation does not address formal aggregation of respondents or defendants in proceedings before agencies.

⁵ The American Law Institute’s *Principles of the Law of Aggregation* defines proceedings that coordinate separate lawsuits in this way as “administrative aggregations,” which are distinct from joinder actions (in which multiple parties are joined in the same proceeding) or representative actions (in which a party represents a class in the same proceeding). See American Law Institute, *Principles of the Law of Aggregate Litigation* § 1.02 (2010) (describing different types of aggregate proceedings).

⁶ See Michael Sant’Ambrogio & Adam Zimmerman, *Aggregate Agency Adjudication* 27–65 (June 9, 2016), available at <https://www.acus.gov/report/aggregate-agency-adjudication-final-report> (describing three examples of aggregation in adjudication).

⁷ Cf. Francis E. McGovern, *An Analysis of Mass Torts for Judges*, 73 Tex. L. Rev. 1821 (1995) (defining “maturity” in which both sides’ litigation strategies are clear, expected outcomes reach an “equilibrium,” and global resolutions or settlements may be sought).

⁸ This recommendation covers both adjudications conducted by administrative law judges and adjudications conducted by non-administrative law judges.

Structuring the Aggregate Proceeding

6. Agencies that use aggregation should ensure that the parties' and other stakeholders' interests are adequately protected and that the process is understood to be transparent and legitimate by considering the use of mechanisms such as:

- a. Permitting interested stakeholders to file amicus briefs or their equivalent;
- b. Conducting "fairness hearings," in which all interested stakeholders may express their concerns with the proposed relief to adjudicators in person or in writing;
- c. Ensuring that separate interests are adequately represented in order to avoid conflicts of interest;
- d. Permitting parties to opt out in appropriate circumstances;
- e. Permitting parties to challenge the decision to aggregate in the appeals process, including an interlocutory appeal to the agency; and

f. Allowing oral arguments for amici or amicus briefs in agency appeals.

7. Agencies that use aggregation should develop written and publicly available policies explaining how they initiate, conduct, and terminate aggregation proceedings. The policies should also set forth the factors used to determine whether aggregation is appropriate.

8. Where feasible, agencies should consider assigning a specialized corps of experienced adjudicators who would be trained to handle aggregate proceedings, consistent with APA requirements where administrative law judges are assigned. Agencies should also consider using a panel of adjudicators from the specialized corps to address concerns with having a single adjudicator decide cases that could have a significant impact. Agencies that have few adjudicators may need to "borrow" adjudicators from other agencies for this purpose.

Using Aggregation To Enhance Control of Policymaking

9. Agencies should make all decisions in aggregate proceedings publicly available. In order to obtain the maximum benefit from aggregate proceedings, agencies should also consider designating final agency decisions as precedential if doing so will:

- a. Help other adjudicators handle subsequent cases involving similar issues more expeditiously;
- b. Provide guidance to future parties;
- c. Avoid inconsistent outcomes; or
- d. Increase transparency and openness.

10. Agencies should ensure the outcomes of aggregate adjudication are communicated to policymakers or personnel involved in rulemaking so that they can determine whether a notice-and-comment rulemaking proceeding codifying the outcome might be worthwhile. If agencies are uncertain they want to proceed with a rule, they might issue a notice of inquiry to invite interested parties to comment on whether the agencies should codify the adjudicatory decision (in whole or in part) in a new regulation.

[FR Doc. 2016-14636 Filed 6-20-16; 8:45 am]

BILLING CODE 6110-01-P

DEPARTMENT OF AGRICULTURE**Forest Service****Notice of Proposed New Special Recreation Permit Fee**

AGENCY: Wallowa-Whitman National Forest, USDA Forest Service.

ACTION: Notice of proposed new special recreation permit fee.

SUMMARY: The Wallowa-Whitman National Forest is proposing to implement a Special Recreation Permit Fee on the Wild and Scenic Snake River which flows between Oregon and Idaho. Implementing a Special Recreation Permit Fee would allow the Forest Service to manage the specialized recreation use associated with float and power boating on the Wild and Scenic Snake River, and result in improved services and experiences. Fees are assessed based on the level of amenities and services provided, cost of operation and maintenance of river-related facilities, market assessment, and public comments received.

Boaters using the Wild and Scenic Snake River would be subject to a Special Recreation Permit Fee (boater-use permit fee) of \$5.00 to \$10.00 per person that would be collected from all private and commercial boaters and their occupants. The implementation of the fee on the Wild and Scenic Snake River is comparable to other federal day-use fees within the current Four Rivers reservation system for the Selway, Middle Fork Salmon, Main Salmon and other sections of the Snake Rivers. The area subject to the fee is the Snake River beginning at Hells Canyon Dam to Cache Creek Ranch (approximately 70 miles).

The exceptions to this boater-use permit fee are:

- Travel by private, noncommercial boat to any land in which the person has property rights.
- Any person who has right of access for hunting or fishing privileges under specific provisions of treaty or law.
- Individual outfitter/guides and their associated employees, while acting in an official capacity under the terms of their permit.

At this time there is no boater-use permit fee on the Wild and Scenic Snake River for float or power boats. Boater-use for private float and power boats is currently managed through a national reservation system, which limits the amount of boats during the primary use season to meet management plan direction. A \$6.00 transaction cost is associated with this reservation permit and is completely retained by the

reservation contractor. In the future the reservation permit fee will be continued in conjunction with the application of this proposed boater-use permit fee for private boaters.

At this time the listed boater-use permit fee is only a proposal and further analysis and public comment will occur before a decision is made. Funds from the proposed fee would be used for administrative and operational needs in the recreation area to enhance user experience and safety, sustain natural and cultural resources, and facility maintenance and improvements.

DATES: New fees would begin after, and contingent upon a review and recommendation by the John Day-Snake River Resource Advisory Council and approval by the Regional Forester for the Pacific Northwest Region. All comments should be received no later than 60 days from publication of this notice in the **Federal Register**. The publication date of this Notice in the **Federal Register** is the exclusive means for calculating the comment period for this proposal. Those wishing to comment should not rely upon dates or timeframe information provided by any other source.

Public Open House: A series of public open houses are scheduled to answer questions brought forth by the public.

The open house dates are:

- 1. July 5, 2016, 6 p.m. to 8 p.m., Boise, ID.
- 2. July 6, 2016, 6 p.m. to 8 p.m., Riggins, ID.
- 3. July 7, 2016, 6 p.m. to 8 p.m., Clarkston, WA.
- 4. July 8, 2016, 6 p.m. to 8 p.m., Joseph, OR.

ADDRESSES: Send written comments to: Jacob Lubera, Deputy District Ranger, Wallowa-Whitman National Forest, 201 East Second Street, P.O. Box 905, Joseph, Oregon 97846. Comments may also be faxed to 541-426-4978. Comments may be hand-delivered to the above address Monday through Friday, from 8 a.m. till 4:30 p.m., excluding legal holidays.

Electronic Comments: Electronic comments must be submitted in a format such as an email message, plain text (.txt), rich text format (.rtf), or Word (.docx) to comments-pacificnorthwest-wallowa-whitman@fs.fed.us. Emails submitted to email addresses other than the one listed above, in other formats than those listed, or containing viruses will be rejected. Comments can also be submitted at <http://www.fs.usda.gov/detail/wallowa-whitman/specialplaces/?cid=fseprd481691>. It is the responsibility of persons providing comments to submit them by the close

SUMMARIES OF RECOMMENDATIONS
ADOPTED BY THE ADMINISTRATIVE CONFERENCE OF THE UNITED STATES
AT ITS 66th PLENARY SESSION

Recommendation 2016-3, *Special Procedural Rules for Social Security Litigation in District Court*. This recommendation encourages the Judicial Conference of the United States to develop a uniform set of procedural rules for cases under the Social Security Act in which an individual seeks district court review of a final administrative decision of the Commissioner of Social Security pursuant to 42 U.S.C. 405(g). It also highlights areas in which such rules should be adopted and sets forth criteria for the promulgation of additional rules.

Recommendation 2016-4, *Evidentiary Hearings Not Required by the Administrative Procedure Act*. This recommendation offers best practices to agencies for structuring evidentiary hearings that are not required by the Administrative Procedure Act. It suggests ways to ensure the integrity of the decisionmaking process; sets forth recommended pre-hearing, hearing, and post-hearing practices; and urges agencies to describe their practices in a publicly accessible document and seek periodic feedback on those practices.

Recommendation 2016-5, *The Use of Ombuds in Federal Agencies*. This recommendation takes account of the broad array of federal agency ombuds offices that have been established since the Administrative Conference's adoption in 1990 of Recommendation 90-2 on the same subject, <https://www.acus.gov/recommendation/ombudsman-federal-agencies>. The new recommendation continues to urge both agencies and Congress to consider creating additional ombuds offices that provide an opportunity for individuals to raise issues confidentially and receive assistance in resolving them without fear of retribution. The recommendation emphasizes the importance of adherence to the three core standards of independence, confidentiality, and impartiality, and identifies best practices for the operation, staffing, and evaluation of federal agency ombuds offices.

Recommendation 2016-6, *Self-Represented Parties in Administrative Proceedings*. This recommendation offers best practices for agencies dealing with self-represented parties in administrative proceedings. Recommendations include the use of triage and diagnostic tools, development of a continuum of services to aid parties, and re-evaluation and simplification of existing administrative proceedings, where possible. The project builds on the activity of a working group on Self-Represented Parties in Administrative Hearings that is co-led by the Administrative Conference and the Department of Justice's Office for Access to Justice.

{recommendations follow this page}

Notices

Federal Register

Vol. 81, No. 247

Friday, December 23, 2016

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ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Adoption of Recommendations

AGENCY: Administrative Conference of the United States.

ACTION: Notice.

SUMMARY: The Administrative Conference of the United States adopted four recommendations at its Sixty-sixth Plenary Session. The appended recommendations address: Special Procedural Rules for Social Security Litigation; Evidentiary Hearings Not Required by the Administrative Procedure Act; The Use of Ombuds in Federal Agencies; and Self-Represented Parties in Administrative Proceedings.

FOR FURTHER INFORMATION CONTACT: For Recommendation 2016–3, Daniel Sheffner; for Recommendation 2016–4, Amber Williams; for Recommendation 2016–5, David Pritzker; and for Recommendation 2016–6, Connie Vogelmann. For all of these actions the address and telephone number are: Administrative Conference of the United States, Suite 706 South, 1120 20th Street NW., Washington, DC 20036; Telephone 202–480–2080.

SUPPLEMENTARY INFORMATION: The Administrative Conference Act, 5 U.S.C. 591–596, established the Administrative Conference of the United States. The Conference studies the efficiency, adequacy, and fairness of the administrative procedures used by Federal agencies and makes recommendations to agencies, the President, Congress, and the Judicial Conference of the United States for procedural improvements (5 U.S.C. 594(1)). For further information about the Conference and its activities, see www.acus.gov. At its Sixty-sixth Plenary Session, held December 13 and 14, 2016, the Assembly of the Conference adopted four recommendations.

Recommendation 2016–3, *Special Procedural Rules for Social Security*

Litigation in District Court. This recommendation encourages the Judicial Conference of the United States to develop a uniform set of procedural rules for cases under the Social Security Act in which an individual seeks district court review of a final administrative decision of the Commissioner of Social Security pursuant to 42 U.S.C. 405(g). It also highlights areas in which such rules should be adopted and sets forth criteria for the promulgation of additional rules.

Recommendation 2016–4, *Evidentiary Hearings Not Required by the Administrative Procedure Act*. This recommendation offers best practices to agencies for structuring evidentiary hearings that are not required by the Administrative Procedure Act. It suggests ways to ensure the integrity of the decisionmaking process; sets forth recommended pre-hearing, hearing, and post-hearing practices; and urges agencies to describe their practices in a publicly accessible document and seek periodic feedback on those practices.

Recommendation 2016–5, *The Use of Ombuds in Federal Agencies*. This recommendation takes account of the broad array of federal agency ombuds offices that have been established since the Administrative Conference's adoption in 1990 of Recommendation 90–2 on the same subject, <https://www.acus.gov/recommendation/ombudsman-federal-agencies>. The new recommendation continues to urge both agencies and Congress to consider creating additional ombuds offices that provide an opportunity for individuals to raise issues confidentially and receive assistance in resolving them without fear of retribution. The recommendation emphasizes the importance of adherence to the three core standards of independence, confidentiality, and impartiality, and identifies best practices for the operation, staffing, and evaluation of federal agency ombuds offices.

Recommendation 2016–6, *Self-Represented Parties in Administrative Proceedings*. This recommendation offers best practices for agencies dealing with self-represented parties in administrative proceedings. Recommendations include the use of triage and diagnostic tools, development of a continuum of services to aid parties, and re-evaluation and simplification of existing administrative proceedings,

where possible. The project builds on the activity of a working group on Self-Represented Parties in Administrative Hearings that is co-led by the Administrative Conference and the Department of Justice's Office for Access to Justice.

The Appendix below sets forth the full texts of these four recommendations. The Conference will transmit them to affected agencies, Congress, and the Judicial Conference of the United States. The recommendations are not binding, so the entities to which they are addressed will make decisions on their implementation.

The Conference based these recommendations on research reports that are posted at: <https://www.acus.gov/66thPlenary>.

Dated: December 20, 2016.

Shawne C. McGibbon,
General Counsel.

APPENDIX—RECOMMENDATIONS OF THE ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Administrative Conference Recommendation 2016–3

Special Procedural Rules for Social Security Litigation in District Court

Adopted December 13, 2016

The Administrative Conference recommends that the Judicial Conference of the United States develop special procedural rules for cases under the Social Security Act¹ in which an individual seeks district court review of a final administrative decision of the Commissioner of Social Security pursuant to 42 U.S.C. 405(g). The Rules Enabling Act delegates authority to the United States Supreme Court (acting initially through the Judicial Conference) to prescribe procedural rules for the lower federal courts.² The Act does not require that procedural rules be trans-substantive (that is, be the same for all types of cases), although the Federal Rules of Civil Procedure (Federal Rules) have generally been so drafted. Rule 81 of the Federal Rules excepts certain specialized proceedings from the Rules' general procedural governing scheme.³ In the case of social security litigation in the federal courts, several factors warrant an additional set of exceptions. These factors include the extraordinary volume of social security litigation, the Federal Rules' failure to account for numerous procedural issues that

¹ 42 U.S.C. 301 *et seq.* (2012).

² See 28 U.S.C. 2072(a) (2012).

³ Fed. R. Civ. P. 81(a); see also Fed. R. Civ. P. 71.1–73 (“Special Proceedings”).

arise due to the appellate nature of the litigation, and the costs imposed on parties by the various local rules fashioned to fill those procedural gaps.⁴

The Social Security Administration (SSA) administers the Social Security Disability Insurance program and the Supplemental Security Income program, two of the largest disability programs in the United States. An individual who fails to obtain disability benefits under either of these programs, after proceeding through SSA's extensive administrative adjudication system, may appeal the agency's decision to a federal district court.⁵ In reviewing SSA's decision, the district court's inquiry is typically based on the administrative record developed by the agency.

District courts face exceptional challenges in social security litigation. Although institutionally oriented towards resolving cases in which they serve as the initial adjudicators, the federal district courts act as appellate tribunals in their review of disability decisions. That fact alone does not make these cases unique; appeals of agency actions generally go to district courts unless a statute expressly provides for direct review of an agency's actions by a court of appeals.⁶ However, social security appeals comprise approximately seven percent of district courts' dockets, generating substantially more litigation for district courts than any other type of appeal from a federal administrative agency. The high volume of social security cases in the federal courts is in no small part a result of the enormous magnitude of the social security disability program. The program, which is administered nationally, annually receives millions of applications for benefits. The magnitude of this judicial caseload suggests that a specialized approach in this area could bring about economies of scale that probably could not be achieved in other subject areas.

The Federal Rules were designed for cases litigated in the first instance, not for those reviewing, on an appellate basis, agency adjudicative decisions. Consequently, the Federal Rules fail to account for a variety of procedural issues that arise when a disability case is appealed to district court. For example, the Rules require the parties to file a complaint and an answer. Because a social security case is in substance an appellate proceeding, the case could more sensibly be initiated through a simple document akin to a notice of appeal or a petition for review. Moreover, although 42 U.S.C. 405(g) provides that the certified record should be filed as "part of" the government's answer, there is no functional need at that stage for the

government to file anything more than the record. In addition, the lack of congruence between the structure of the Rules and the nature of the proceeding has led to uncertainty about the type of motions that litigants should file in order to get their cases resolved on the merits. In some districts, for instance, the agency files the certified transcript of administrative proceedings instead of an answer, whereas other districts require the agency to file an answer. In still other districts, claimants must file motions for summary judgment to have their case adjudicated on the merits,⁷ whereas such motions are considered "not appropriate" in others.⁸

Social security disability litigation is not the only type of specialized litigation district courts regularly review in an appellate capacity. District courts entertain an equivalent number of habeas corpus petitions,⁹ as well as numerous appeals from bankruptcy courts. But habeas and bankruptcy appeals are governed by specially crafted, national rules that address those cases' specific issues.¹⁰ No particularized set of rules, however, accounts for the procedural gaps left by the Federal Rules in social security appeals.

When specialized litigation with unique procedural needs lacks a tailored set of national procedural rules for its governance, districts and even individual judges have to craft their own. This is precisely what has happened with social security litigation. The Federal Rules do exempt disability cases from the initial disclosure requirements of Rule 26, and limit electronic access of nonparties to filings in social security cases,¹¹ but, otherwise, they include no specialized procedures. As a result, numerous local rules, district-wide orders, and individual case management orders, addressing a multitude of issues at every stage in a social security case, have proliferated. Whether the agency must answer a complaint, what sort of merits briefs the parties are required to file, whether oral arguments are held, and the answers to a host of other questions differ considerably from district to district and, sometimes, judge to judge. Such local variations have not burgeoned in other subject areas in which district courts serve as appellate tribunals; this fact reflects the district courts' own recognition that social security cases pose distinctive challenges.

Many of the local rules and orders fashioned to fill the procedural gaps left by the Federal Rules generate inefficiencies and

impose costs on claimants and SSA. For example, simultaneous briefing—the practice in some districts that requires both parties to file cross motions for resolution of the merits and to respond to each other's briefs in simultaneously filed responses—effectively doubles the number of briefs the parties must file. Some judges employ a related practice whereby the agency is required to file the opening brief.¹² Because social security complaints are generally form complaints containing little specificity, courts that employ this practice (known as "affirmative briefing") essentially reverse the positions of the parties, leaving to the agency the task of defining the issues on appeal. The questionable nature of some of these local variations may be attributable in part to the fact that they can be imposed without observance of procedures that would assure sufficient deliberation and opportunities for public feedback. Proposed amendments to the Federal Rules must go through several steps, each of which requires public input. So-called "general orders" and judge-specific orders, on the other hand, can be issued by a district or individual judge with very little process.

The disability program is a national program that is intended to be administered in a uniform fashion, yet procedural localism raises the possibility that like cases will not be treated alike. Burdensome procedures adopted by some districts or judges, such as simultaneous briefing schedules, can increase delays and litigation costs for some claimants, while leaving other similarly situated claimants free from bearing those costs. Further, many of the attorneys who litigate social security cases—agency lawyers and claimants' representatives alike—maintain regional or even national practices. Localism, however, makes it difficult for those lawyers to economize their resources by, for instance, forcing them to refashion even successful arguments in order to fit several different courts' unique page-limits or formatting requirements.

Procedural variation can thus impose a substantial burden on SSA as it attempts to administer a national program and can result in arbitrary delays and uneven costs for disability claimants appealing benefit denials. SSA and claimants would benefit from a set of uniform rules that recognize the appellate nature of disability cases. Indeed, several districts already treat disability cases as appeals.¹³ Many of these districts provide, for example, for the use of merits briefs instead of motions or for the filing of the certified administrative record in lieu of an answer.

The Supreme Court has recognized that the exercise of rulemaking power to craft

⁴ This recommendation is based on a portion of the extensive report prepared for the Administrative Conference by its independent consultants, Jonah Gelbach of the University of Pennsylvania Law School and David Marcus of the University of Arizona Rogers College of Law. See Jonah Gelbach & David Marcus, A Study of Social Security Litigation in the Federal Courts 127–42, 148–59 (July 28, 2016) (report to the Admin. Conf. of the U.S.).

⁵ 42 U.S.C. 405(g) (2012).

⁶ See *Watts v. Sec. & Exch. Comm'n*, 482 F.3d 501, 505 (D.C. Cir. 2007).

⁷ See, e.g., E.D. Mo. L.R. 56–9.02; Order Setting Schedule, *Donvan-Terris v. Colvin*, Civ. No. 14–5125 (E.D. Wash. April 8, 2015); E.D. Mo. L.R. 56–9.02.

⁸ See, e.g., S.D. Iowa Local R. 56(f).

⁹ During the twelve months that ended on September 30, 2014, the district courts received 19,185 "general" habeas corpus petitions and 19,146 social security appeals. Table C–2A, U.S. District Courts—Civil Cases Commenced, by Nature of the Suit, During the 12-Month Periods Ending September 30, 2009 Through 2014, at 3–4.

¹⁰ See R. GOVERNING § 2254 CASES U.S. DIST. CTS. 1–12; Fed. R. Bankr. P. 1001–9037.

¹¹ Fed. R. Civ. P. 26(a)(1)(B)(i); Fed. R. Civ. P. 5.2(c).

¹² See, e.g., Standing Order Gov. Dev. of Soc. Sec. Cases Assigned to Judge Conrad (W.D. Va. Jan. 1, 2005); Briefing Schedule, *Barnes v. Colvin*, Civ. No. 14–482 (S.D. Tex. Sept. 3, 2014), at 1–2.

¹³ See, e.g., General Order 05–15, *In re Soc. Sec. Cases, Actions Seeking Rev. of the Comm'r of Soc. Sec.'s Final Dec. Denying an App. for Benefits* (W.D. Wash. June 1, 2015); Standing Order, *In re Actions Seeking Rev. of the Comm'r of Soc. Sec.'s Final Decs. Denying Soc. Sec. Benefits* (W.D. N.Y. Sept. 5, 2013); Standing Order for Disp. of Soc. Sec. App. (W.D. La. Sept. 2, 1994); E.D. Mo. L.R. 9.02; D. Ariz. L.R. 16.1; N.D. Oh. L.R. 16.3.1.

specialized procedural rules for particular areas of litigation can be appropriate under the Rules Enabling Act.¹⁴ Yet, in recommending the creation of special procedural rules for social security disability and related litigation, the Administrative Conference is cognizant that the Judicial Conference has in the past been hesitant about amending the Federal Rules to incorporate provisions pertaining to particular substantive areas of the law. That hesitation has been driven, at least in part, by reluctance to recommend changes that would give rise to the appearance, or even the reality, of using the Federal Rules to advance substantive ends, such as heightened pleading standards that would disfavor litigants in particular subject areas. The proposals offered herein have very different purposes. Indeed, the Administrative Conference believes that rules promulgated pursuant to this recommendation should not favor one class of litigants over another or otherwise bear on substantive rights. Instead, this recommendation endorses the adoption of rules that would promote efficiency and uniformity in the procedural management of social security disability and related litigation, to the benefit of both claimants and the agency.¹⁵ Such a commitment to neutrality would also serve to dampen any apprehensions that the proposed rules would violate the Rules Enabling Act's proscription of rules that would "abridge, enlarge, or modify any substantive right."¹⁶ Rules consistent with these criteria could potentially address a variety of topics, including setting appropriate deadlines for filing petitions for attorneys' fees, or establishing judicial extension practices, or perhaps authorizing the use of telephone, videoconference, or other telecommunication technologies. In developing such rules, the Judicial Conference may wish to consult existing appellate procedural schemes, such as the Federal Rules of Appellate Procedure and the Rules of Practice and Procedure of the United States Court of Appeals for Veterans Claims.

The Administrative Conference believes that a special set of procedural rules could bring much needed uniformity to social security disability and related litigation. In routine cases, page limits, deadlines, briefing schedules, and other procedural requirements should be uniform to ensure effective procedural management. At the same time, the new rules should be drafted to displace the Federal Rules *only* to the extent that the distinctive nature of social

security litigation justifies such separate treatment.¹⁷ In this way, the drafters can avoid the promulgation of a special procedural regime that sacrifices flexibility and efficiency for uniformity in certain cases.

The research that served as the foundation for this report focused on social security disability litigation commenced under 42 U.S.C. 405(g). Section 405(g) also authorizes district court review of SSA old age and survivors benefits decisions, as well as other actions related to benefits. Because such non-disability appeals do not differ procedurally from disability cases in any meaningful way,¹⁸ it is the Conference's belief that this recommendation should apply, subject to the exceptions discussed below, to all cases under the Social Security Act in which an individual seeks district court review of a final administrative decision of the Commissioner of Social Security pursuant to 42 U.S.C. 405(g).

The Conference recognizes that some cases might be brought under § 405(g) that would fall outside the rationale for the proposed new rules. This could include class actions and other broad challenges to program administration, such as challenges to the constitutionality or validity of statutory and regulatory requirements, or similar broad challenges to agency policies and procedures. In these cases, the usual deadlines and page limits could be too confining. By citing these examples, the Conference does not intend to preclude other exclusions. The task of precisely defining the cases covered by any new rules would be worked out by the committee that drafts the rules, after additional research and more of an opportunity for public comment on the scope of the rules than has been possible for the Conference. It may also be necessary to include specific rules explaining the procedure for the exclusion of appropriate cases.

Recommendation

1. The Judicial Conference, in consultation with Congress as appropriate, should develop for the Supreme Court's consideration a uniform set of procedural rules for cases under the Social Security Act in which an individual seeks district court review of a final administrative decision of the Commissioner of Social Security pursuant to 42 U.S.C. 405(g). These rules would not apply to class actions or to other cases that are outside the scope of the rationale for the proposal.

2. Examples of rules that should be promulgated include:

- A rule providing that a claimant's complaint filed under 42 U.S.C. 405(g) be substantially equivalent to a notice of appeal;
- A rule requiring the agency to file a certified copy of the administrative record as the main component of its answer;

¹⁷ See Fed. R. Civ. P. 81(a)(6) ("[The Federal Rules], to the extent applicable, govern proceedings under [certain designated] laws, except as those laws provide other procedures.").

¹⁸ Further, they only constitute about four percent of total social security cases appealed to district courts annually. See Table C-2A, U.S. District Courts—Civil Cases Commenced, by Nature of the Suit, During the 12-Month Periods Ending September 30, 2009 Through 2014, at 4.

c. A rule or rules requiring the claimant to file an opening merits brief to which the agency would respond, and providing for appropriate subsequent proceedings and the filing of appropriate responses consistent with 42 U.S.C. 405(g) and the appellate nature of the proceedings;

d. A rule or rules setting deadlines and page limits as appropriate; and

e. Other rules that may promote efficiency and uniformity in social security disability and related litigation, without favoring one class of litigants over another or impacting substantive rights.

Administrative Conference Recommendation 2016-4

Evidentiary Hearings Not Required by the Administrative Procedure Act

Adopted December 13, 2016

Federal administrative adjudication can be divided into three categories:

(a) Adjudication that is regulated by the procedural provisions of the Administrative Procedure Act (APA) and usually presided over by an administrative law judge (referred to as Type A in the report that underlies this recommendation and throughout the preamble)¹;

(b) Adjudication that consists of legally required evidentiary hearings that are not regulated by the APA's adjudication provisions in 5 U.S.C. 554 and 556–557 and that is presided over by adjudicators who are often called administrative judges, though they are known by many other titles (referred to as Type B in the report that underlies this recommendation and throughout the preamble)²; and

(c) Adjudication that is not subject to a legally required (i.e., required by statute, executive order, or regulation) evidentiary hearing (referred to as Type C in the report that underlies this recommendation and throughout the preamble).³

This recommendation concerns best practices for the second category of adjudication, that is, Type B adjudication.⁴ In

¹ See Administrative Procedure Act, 5 U.S.C. 554–559 (2012). In a few kinds of cases, the "presiding employees" in APA hearings are not administrative law judges. Congress may provide for a presiding employee who is not an ALJ. See id. § 556(b).

² This type of adjudication is subject to 5 U.S.C. 555 (requiring various procedural protections in all adjudication) and 5 U.S.C. 558 (relating to licensing), as well as the APA's judicial review provisions.

³ See generally Michael Asimow, Evidentiary Hearings Outside the Administrative Procedure Act (Nov. 10, 2016) [hereinafter Asimow], available at <https://www.acus.gov/report/evidentiary-hearings-outside-administrative-procedure-act-final-report>.

⁴ Traditionally, Type A adjudication has been referred to as "formal adjudication" and Type B and Type C adjudication have been treated in an undifferentiated way as "informal adjudication." This recommendation does not use that terminology for several reasons. First, the nature of Type B adjudication as involving a legally required hearing sharply distinguishes it from Type C adjudication and makes it feasible to prescribe best practices. Second, the term "informal adjudication" can be a misnomer when applied to Type B adjudication: in fact, Type B adjudication is often as "formal" or even more "formal" than Type A adjudication.

¹⁴ See *Harris v. Nelson*, 394 U.S. 286, 300 n.7 (1969) (inviting the Advisory Committee on Civil Rules to draft procedural rules for habeas corpus litigation).

¹⁵ This recommendation is the latest in a line of Conference recommendations focused on improving the procedures used in social security cases. See, e.g., Recommendation 90-4, Social Security Disability Program Appeals Process: Supplementary Recommendation, 55 FR 34,213 (June 8, 1990); Recommendation 87-7, A New Role for the Social Security Appeals Council, 52 FR 49,143 (Dec. 30, 1987); Recommendation 78-2, Procedures for Determining Social Security Disability Claims, 43 FR 27,508 (June 26, 1978).

¹⁶ 28 U.S.C. 2072(b) (2012).

these adjudications, although there is no statutory mandate to hold an "on the record" hearing,⁵ a statute, regulation, or other source of law does require the agency to conduct an evidentiary hearing. Because the APA's adjudication provisions in 5 U.S.C. 554 and 556–557 are not applicable to these adjudications, the procedures that an agency is required to follow are set forth elsewhere, most commonly in its own procedural regulations.

Type B adjudications are extremely diverse.⁶ They involve types of matters spanning many substantive areas, including immigration, veterans' benefits, environmental issues, government contracts, and intellectual property. Some involve disputes between the federal government and private parties; others involve disputes between two private parties. Some involve trial-type proceedings that are at least as formal as Type A adjudication. Others are quite informal and can be decided based only on written submissions. Some proceedings are highly adversarial; others are inquisitorial.⁷ Caseloads vary. Some have huge backlogs and long delays; others seem relatively current. The structures for internal appeal also vary.

The purpose of this recommendation is to set forth best practices that agencies should incorporate into regulations governing hearing procedures in Type B adjudications. The procedures suggested below are highlighted as best practices because they achieve a favorable balance of the criteria of accuracy (meaning that the procedure produces a correct and consistent outcome), efficiency (meaning that the procedure minimizes cost and delay), and acceptability to the parties (meaning that the procedure meets appropriate standards of procedural fairness).

Some of the best practices set forth in this recommendation may not be applicable or desirable for every Type B adjudicatory program. Accordingly, the recommendation does not attempt to prescribe the exact language that the agency should employ in its procedural regulations.⁸ This

Finally, Type C adjudication—which can properly be referred to as "informal adjudication"—is an enormous category, consisting of many millions of adjudications each year. This type of adjudication is highly diverse and does not easily lend itself to an overarching set of best practices.

⁵ See *id.* at 7–9 (discussing the boundary between Type A and Type B adjudication).

⁶ See generally *id.* (describing the vast variety of evidentiary hearings that are not required by the APA). See also Federal Administrative Adjudication, available at <https://www.acus.gov/research-projects/federal-administrative-adjudication> (providing an extensive database that maps the contours of administrative adjudication across the federal government).

⁷ See Asimow, *supra* note 3 at 11–12, 84–88 (providing examples of inquisitorial adjudications).

⁸ Drafters of procedural regulations implementing these best practices may want to consult the Conference-prepared 1993 Model Adjudication Rules for guidance on language, though those rules are directed to adjudication governed by the APA. See Michael Cox, *The Model Adjudication Rules (MARS)*, 11 T.M. Cooley L. Rev. 75 (1994). The Conference has initiated a new Model Adjudication Rules Working Group to revise the model rules. See Admin. Conf. of the U.S., Office of the Chairman

recommendation should be particularly useful to agencies that are either fashioning procedural regulations for new adjudicatory programs or seeking to revise their existing procedural regulations.

Recommendation

Integrity of the Decisionmaking Process

1. *Exclusive Record.* Procedural regulations should require a decision to be based on an exclusive record. That is, decisionmakers should be limited to considering factual information presented in testimony or documents they received before, at, or after the hearing to which all parties had access, and to matters officially noticed.

2. *Ex Parte Communications.* Procedural regulations should prohibit ex parte communications relevant to the merits of the case between persons outside the agency and agency decisionmakers or staff who are advising or assisting the decisionmaker. Communications between persons outside the agency and agency decisionmakers or staff who advise or assist decisionmakers should occur only on the record. If oral, written, or electronic ex parte communications occur, they should be placed immediately on the record.

3. *Separation of Functions.* In agencies that have combined functions of investigation, prosecution, and adjudication, procedural regulations should require internal separation of decisional and adversarial personnel. The regulations should prohibit staff who took an active part in investigating, prosecuting, or advocating in a case from serving as a decisionmaker or staff advising or assisting the decisionmaker in that same case. Adversary personnel should also be prohibited from furnishing ex parte advice or factual materials to a decisionmaker or staff who advise or assist decisionmakers.

4. *Staff Who Advise or Assist Decisionmakers.* Procedural regulations should explain whether the agency permits ex parte advice or assistance to decisionmakers by staff. The staff may not have taken an active part in investigating, prosecuting, mediating, or advocating in the same case (see paragraph 3). The advice should not violate the exclusive record principle (see paragraph 1) by introducing new factual materials. The term "factual materials" does not include expert, technical, or other advice on the meaning or significance of "factual materials."

5. *Bias.* Procedural regulations should prohibit decisionmaker bias in adjudicatory proceedings by stating that an adjudicator can be disqualified if any of the following types of bias is shown:

- Inproper financial or other personal interest in the decision;
- Personal animus against a party or group to which that party belongs; or
- Prejudgment of the adjudicative facts at issue in the proceeding.

Procedural regulations and manuals should explain when and how parties should raise claims of bias, and how agencies resolve them.

Model Adjudication Rules Working Group, available at <https://www.acus.gov/research-projects/office-chairman-model-adjudication-rules-working-group> for more information.

Pre-Hearing Practices

6. *Notice of Hearing.* Procedural regulations should require notice to parties by appropriate means and sufficiently far in advance so that they may prepare for hearings. The notice should contain a statement of issues of fact and law to be decided. In addition, the notice should be in plain language and, when appropriate, contain the following basic information about the agency's adjudicatory process:

- Procedures for requesting a hearing;
- Discovery options, if any (see paragraph 10);
- Information about representation, including self-representation and non-lawyer or limited representation, if permitted (see paragraphs 13–16), and any legal assistance options;
- Available procedural alternatives (e.g., in-person, video, or telephonic hearings (see paragraph 20); written and oral hearings (see paragraph 21); and alternative dispute resolution (ADR) opportunities (see paragraph 12));
- Deadlines for filing pleadings and documents;
- Procedures for subpoenaing documents and witnesses, if allowed (see paragraph 11);
- Opportunity for review of the initial decision at a higher agency level (see paragraph 26);
- Availability of judicial review; and
- Web site address for and/or citation to the procedural regulations and any practice manuals.

7. *Confidentiality.* Procedural regulations should provide a process by which the parties may seek to keep certain information confidential or made subject to a protective order in order to protect privacy, confidential business information, or national security.

8. *Pre-Hearing Conferences.* Procedural regulations should allow the decisionmaker discretion to require parties to participate in a pretrial conference if the decisionmaker believes the conference would simplify the hearing or promote settlement. The decisionmaker should require that (a) parties exchange witness lists and expert reports before the pretrial conference and (b) both sides be represented at the pretrial conference by persons with authority to agree to a settlement.

9. *Inspection of Materials.* Procedural regulations should permit parties to inspect unprivileged materials in agency files that are not otherwise protected.

10. *Discovery.* Agencies should empower their decisionmakers to order discovery through depositions, interrogatories, and other methods of discovery used in civil trials, upon a showing of need and cost justification.

11. *Subpoena Power.* Agencies with subpoena power should explain their subpoena practice in detail. Agencies that do not have subpoena power should seek congressional approval for subpoena power, when appropriate.

12. *Alternative Dispute Resolution.* Agencies should encourage and facilitate ADR, and ensure confidentiality of communications occurring during the ADR process.

Hearing Practices

13. *Lawyer Representation.* Agencies should permit lawyer representation.

14. *Non-Lawyer Representation.* Agencies should permit non-lawyer representation. Agencies should have the discretion to (a) establish criteria for appearances before the agency by non-lawyer representatives or (b) require approval on a case-by-case basis.⁹

15. *Limited Representation.* Agencies should permit limited representation by lawyers or non-lawyers, when appropriate (*i.e.*, representation of a party with respect to some issues or during some phases of the adjudication).

16. *Self-Representation.* Agencies should make hearings as accessible as possible to self-represented parties by providing plain language resources, legal information, and other assistance, as allowed by statute and regulations.¹⁰

17. *Sanctions.* Agencies with the requisite statutory power should authorize decisionmakers to sanction attorneys and parties for misconduct. Sanctions can include admonitions, monetary fines, and preclusion from appearing before the agency. Agencies should have a mechanism for administrative review of any sanctions.

18. *Open Hearings.* Agencies should adopt the presumption that their hearings are open to the public, while retaining the ability to close the hearings in particular cases, including when the public interest in open proceedings is outweighed by the need to protect:

- a. National security;
- b. Law enforcement;
- c. Confidentiality of business documents; and
- d. Privacy of the parties to the hearing.

19. *Adjudicators.* Agencies that decide a significant number of cases should use adjudicators—rather than agency heads, boards, or panels—to conduct hearings and provide initial decisions, subject to higher-level review (see paragraph 26).

20. *Video Teleconferencing and Telephone Hearings.* Agencies should consult the Administrative Conference's recommendations¹¹ in determining whether

⁹ Agencies should refer to Recommendation 86–1, *Nonlawyer Assistance and Representation*, 51 FR 25,641 (June 16, 1986), available at <https://www.acus.gov/recommendation/nonlawyer-assistance-and-representation>, when establishing or improving their procedures related to non-lawyer representation.

¹⁰ Agencies should refer to Recommendation 2016–6, *Self-Represented Parties in Administrative Hearings*, 81 FR 75,119 (Dec. 23, 2016), available at <https://www.acus.gov/recommendation/self-represented-parties-administrative-proceedings-final-recommendation>, when establishing or improving their procedures related to self-represented parties.

¹¹ Agencies should refer to Recommendation 2011–4, *Agency Use of Video Hearings: Best Practices and Possibilities for Expansion*, 76 FR 48,795 (Aug. 9, 2011), available at <https://www.acus.gov/recommendation/agency-use-video-hearings-best-practices-and-possibilities-expansion>; Recommendation 2014–7, *Best Practices for Using Video Teleconferencing for Hearings*, 79 FR 75,119 (Dec. 17, 2014), available at <https://www.acus.gov/recommendation/best-practices-using-video-teleconferencing-hearings>; and the Conference's

and when to conduct hearings or parts of hearings by video conferencing or telephone.

21. *Written-Only Hearings.* Procedural regulations should allow agencies to make use of written-only hearings in appropriate cases. Particularly good candidates for written-only hearings include those that solely involve disputes concerning:

- a. Interpretation of statutes or regulations; or
- b. Legislative facts as to which experts offer conflicting views.

Agencies should also consider the adoption of procedures for summary judgment in cases in which there are no disputed issues of material fact.

22. *Oral Argument.* Agencies generally should permit oral argument in connection with a written-only hearing if a party requests it, while retaining the discretion to dispense with oral argument if it appears to be of little value in a given case or parts of a case.

23. *Evidentiary Rules.* Procedural regulations should prescribe the evidentiary rules the decisionmaker will apply in order to avoid confusion and time-consuming evidentiary disputes.¹²

24. *Opportunity for Rebuttal.* Agencies should allow an opportunity for rebuttal, which can take the form of cross-examination of an adverse witness as well as additional written or oral evidence. Agencies should have the discretion to limit or preclude cross-examination or have it be conducted in camera in appropriate cases, such as when:

- a. The dispute concerns a question of legislative fact where the evidence consists of expert testimony;
- b. Credibility is not at issue;
- c. The only issue is how a decisionmaker should exercise discretion;
- d. National security could be jeopardized; or
- e. The identity of confidential informants might be revealed.

Post-Hearing Practices

25. *Decisions.* Procedural regulations should require the decisionmaker to provide a written or transcribable decision and specify the contents of the decision. The decision should include:

- a. Findings of fact, including an explanation of how the decisionmaker made credibility determinations; and
- b. Conclusions of law, including an explanation of the decisionmaker's interpretation of statutes and regulations.

26. *Higher-Level Review.* Apart from any opportunity for reconsideration by the initial decisionmaker, procedural regulations should provide for a higher-level review of

Handbook on Best Practices for Using Video Teleconferencing in Adjudicatory Hearings, available at <https://www.acus.gov/report/handbook-best-practices-using-video-teleconferencing-adjudicatory-hearings>, when establishing or improving their video teleconferencing hearings.

¹² Agencies should refer to Recommendation 86–2, *Use of Federal Rules of Evidence in Federal Agency Adjudications*, 51 FR 25,642 (June 16, 1986), available at <https://www.acus.gov/recommendation/use-federal-rules-evidence-federal-agency-adjudications>, when considering whether or how to use the Federal Rules of Evidence.

initial adjudicatory decisions. Agencies should give parties an opportunity to file exceptions and make arguments to the reviewing authority. The reviewing authority should be entitled to summarily affirm the initial decision without being required to write a new decision.

27. *Precedential Decisions.* Procedural regulations should allow and encourage agencies to designate decisions as precedential in order to improve decisional consistency. These decisions should be published on the agency's Web site to meet the requirements of 5 U.S.C. 552.

Management of Procedures

28. *Complete Statement of Important Procedures.* Agencies should set forth all important procedures and practices that affect persons outside the agency in procedural regulations that are published in the **Federal Register** and the Code of Federal Regulations and posted on the agency Web site.

29. *Manuals and Guides.* Agencies should provide practice manuals and guides for decisionmakers, staff, parties, and representatives in which they spell out the details of the proceeding and illustrate the principles that are set forth in regulations. These manuals and guides should be written in simple, non-technical language and contain examples, model forms, and checklists, and they should be posted on the agency Web site.

30. *Review of Procedures.* Agencies should periodically re-examine and update their procedural regulations, practice manuals, and guides.

31. *Feedback.* Agencies should seek feedback from decisionmakers, staff, parties, representatives, and other participants in order to evaluate and improve their adjudicatory programs.

Administrative Conference Recommendation 2016–5

The Use of Ombuds in Federal Agencies

Adopted December 14, 2016

This recommendation updates and expands on the Administrative Conference's earlier Recommendation 90–2, *The Ombudsman in Federal Agencies*, adopted on June 7, 1990. That document concentrated on “external ombudsmen,” those who primarily receive and address inquiries and complaints from the public, and was formulated before “use of ombuds” was added to the definition of “means of alternative dispute resolution” in the Administrative Dispute Resolution Act (ADRA)¹ in 1996. In 90–2, the Conference urged “the President and Congress to support federal agency initiatives to create and fund an effective ombudsman in those agencies with significant interaction with the public,” believing that those agencies would benefit from establishing either agency-wide or program-specific ombudsman offices.

The present recommendation is based on a study of the far broader array of federal ombuds² that have been established since

¹ 5 U.S.C. 571–84 (2012); *see id.* § 571(3) (2012).

² The term *ombudsman* is Scandinavian and means representative or proxy. Variations on the term exist in the field (ombudsmen, ombudsperson,

the Conference's earlier recommendation on this subject. Federal ombuds now include multiple variations of both primarily externally-focused and primarily internally-focused ombuds (*i.e.*, those who receive inquiries and complaints from persons within the agency). These individuals and offices can and do make a distinct and beneficial contribution to government effectiveness. While all forms of alternative dispute resolution expressly embraced by the ADRA have the capacity to reduce litigation costs and foster better relationships, the ombuds alone affords the constituent and the agency the opportunity to learn about and address issues before, in effect, they have been joined. Constituents and the agency are served by the ombuds' skilled, impartial assistance in resolution, and the agency is served by the opportunity for critical early warning of specific and systemic issues.

The research conducted to support this recommendation, including quantitative and qualitative surveys, interviews, case studies and profiles, revealed that federal ombuds can add value to their agencies in a variety of ways.³ Ombuds (1) identify significant new issues and patterns of concerns that are not well known or being ignored; (2) support significant procedural changes; (3) contribute to significant cost savings by dealing with identified issues, often at the earliest or pre-complaint stages, thereby reducing litigation and settling serious disputes; (4) prevent problems through training and briefings; (5) serve as an important liaison between colleagues, units, or agencies; and (6) provide a fair process for constituents.

Externally-facing ombuds were more likely to report supporting the agency with specific mission-related initiatives; helping the agency to improve specific policies, procedures, or structures; making administrative decisions to resolve specific issues; helping within the agency to keep its organizational processes coordinated; and advocating on behalf of individuals. Internally-facing ombuds were more likely to report helping constituents by providing a safe way to discuss perceptions of unsafe or illegal behavior; promoting the use of fair and helpful options; helping to prevent problems by coaching one-on-one; and providing group training and briefings to constituents. Whistleblower ombuds and procurement ombuds—consonant with their particular focus on more narrowly defined responsibilities—described their accomplishments as providing specific information and education, and guidance about very specific matters of concern to their constituents.

Since the Conference last considered ombuds in the federal government, the

milieu in which government operates has, by all accounts, become more polarized, with government itself often the target of suspicion and hostility. In a challenging environment in which many federal agencies struggle to maintain the trust of the public they serve and even of their own employees, the ombuds is uniquely situated to provide both pertinent information and assistance in resolving issues to constituents and the agency alike. The ability of the ombuds to provide a place perceived as safe—which can offer a ready, responsive, and respectful hearing and credible options—in itself builds trust. And trust is a commodity without which government in a democratic society cannot function effectively.

Accordingly, the Conference continues to urge Congress and the President to create, fund, and otherwise support ombuds offices across the government consistent with the recommendation articulated below. Further, the Conference urges those agencies that already have ombuds, and those that are contemplating creating ombuds offices, to align their office standards and practices with those included in this recommendation. In general, the Conference recommends these practices to the extent applicable in particular situations, regardless of whether an ombuds office or program is created by Congress or by an agency.

Although functionally the federal ombuds landscape is quite diverse, most federal ombuds share three *core standards of practice*—independence, confidentiality, and impartiality—and share common characteristics. The core standards are set forth in the standards adopted by the American Bar Association (ABA),⁴ the International Ombudsman Association (IOA),⁵ and the United States Ombudsman Association (USOA),⁶ though with some variations, particularly with respect to confidentiality. These organizations' standards are generally followed, as applicable, and considered essential by the ombuds profession, both within and outside government. The further an ombuds office and the agency in which it resides deviate from the three core standards in practice, the more difficult it will be to defend whatever confidentiality the office does offer should it be subjected to legal challenge.

Most federal ombuds also share the following common characteristics: (1) Ombuds do not make decisions binding on the agency or provide formal rights-based processes for redress; (2) they have a commitment to fairness; and (3) they provide credible processes for receiving, reviewing, and assisting in the resolution of issues. The three core standards and these common

characteristics, taken together, are central to the ombuds profession.

Agencies have the authority to establish ombuds offices or programs. Although legislation establishing a generally applicable template and standards for federal ombuds has not been enacted, the 1996 addition of the words "use of ombuds" to the definition of "means of alternative dispute resolution" in ADRA clarifies that, when the ombuds office is assisting in the resolution of issues that are raised to it under its mandate, it is covered by the Act's provisions.⁷ The Act's coverage attaches to communications that take place when the constituent first approaches the ombuds office with an issue and continues to cover communications that occur until the case is, in effect, closed.⁸ While ADRA's definition of "alternative means of dispute resolution" includes use of ombuds, federal agency ombuds programs would benefit from certain targeted amendments to ADRA to clarify certain definitions (*e.g.*, "issue in controversy," "neutral," "party") and other provisions as they apply to the work of ombuds, to expressly align them with current practice.

The research for this recommendation also identified three areas of potential conflict between (a) the requirements of ADRA § 574 and the scope of confidentiality that ombuds offer to constituents and (b) other legal requirements that may be applicable in certain situations. Federal ombuds should be aware of these matters and how they may affect particular ombuds programs:

(a) The relationships among their statutory duties to report information, the requirements of ADRA § 574(a)(3) on confidentiality, their agency's mission, and the professional standards to which they adhere. Any latitude they may have under ADRA § 574(d)(1) should be considered in reaching an understanding within the agency and with constituents of the breadth and limits of confidentiality consistent with statutory requirements.

⁷ Further, ombuds are "neutrals" within the meaning of the Act including those ombuds who, after impartial review, advocate for specific processes or outcomes. See ABA Standards, *supra* note 4, at 14.

⁸ The Act's coverage is generally understood to begin at intake in alternative dispute resolution offices and continue until closure even when the constituent's interaction with the office ends without a session process involving both parties. For example, guidance concerning ADRA confidentiality issued by the Federal Alternative Dispute Resolution Council in 2000 concluded that ADRA confidentiality applies to the intake and convening stages of ADR. See Confidentiality in Federal Alternative Dispute Resolution Programs, 65 FR 83,085, 83,090 (Dep't of Justice Dec. 29, 2000). Further, the Interagency ADR Working Group Steering Committee in its Guide states that ADR program administrators are "neutrals when they are helping the parties resolve their controversy by, for example, discussing ADR options with the parties, coaching, and preparing them to negotiate" See Interagency ADR Working Group Steering Comm., Protecting the Confidentiality of Dispute Resolution Proceedings 8 (2006). While ADRA covers dispute resolution communications occurring through the duration of the case, the neutral's obligation to maintain this confidentiality does not end with the closure of the case.

ombuds, etc.). In this recommendation, the term "ombuds" will be used as the predominant term to be as inclusive as possible. For historical background on the use of ombuds in other countries and their potential value in the United States, see Walter Gellhorn, *Ombudsmen and Others: Citizen Protectors in Nine Countries* (1966); Walter Gellhorn, *When Americans Complain: Governmental Grievance Procedures* (1966).

³ Carole Houk et al., *A Reappraisal — The Nature and Value of Ombudsmen in Federal Agencies*, available at www.acus.gov/research-projects/ombudsman-federal-agencies-0.

⁴ ABA Standards for the Establishment and Operation of Ombuds Offices (2004) (hereinafter "ABA Standards"), available at https://www.americanbar.org/content/dam/aba/migrated/leadership/2004/dj/115_authcheckdam.pdf.

⁵ IOA Standards of Practice (2009), available at https://www.ombudsassociation.org/IOA_Main/media/SiteFiles/IOA_Standards_of_Practice_Oct09.pdf.

⁶ USOA Governmental Ombudsman Standards (2003), available at <https://www.usombudsman.org/site-usoa/wp-content/uploads/USOA-STANDARDS1.pdf>.

(b) The requirements and interrelationship of the Federal Records Act,⁹ the Freedom of Information Act,¹⁰ and the Privacy Act,¹¹ with regard to agency records and other documentation.

(c) The effect on confidentiality of the Federal Service Labor-Management Relations Statute,¹² pursuant to which the union may be entitled to notice and an opportunity to be present at meetings with bargaining unit employees (for those ombuds that have employees with a collective bargaining representative among their constituents, or who may have cause, in the course of resolving issues that have been brought to them, to engage with represented employees as well as management on issues affecting the terms and conditions of bargaining unit employees).

In addition, this recommendation addresses standards applicable to federal agency ombuds offices and related issues involved in creating such offices. The practices included in this recommendation are intended to highlight some overarching beneficial practices observed among federal ombuds and to supplement the recommended practices and guidance available from various ombuds professional organizations.

To foster continual improvement and accountability of individual ombuds offices, the recommendation advises that each ombuds office arrange for periodic evaluation of its management and program effectiveness. Evaluation of ombuds by colleagues within the office can be useful if the office is of sufficient size to make this feasible. Otherwise, any external evaluation should be conducted by individuals knowledgeable about the roles, functions, and standards of practice of federal ombuds. For example, peer evaluation using the expertise of similar types of ombuds in other offices or agencies, or by outside ombuds professionals, may be suitable.

Finally, the recommendation urges the designation of an entity to serve as a government-wide resource to address certain issues of common concern among agency ombuds that transcend organizational boundaries.

Recommendation

1. Establishment and Standards.

a. Agencies should consider creating additional ombuds offices to provide places perceived as safe for designated constituents to raise issues confidentially and receive assistance in resolving them without fear of retribution. They should ensure that the office is able to, and does, adhere to the three core standards of independence, confidentiality, and impartiality, as these standards are described in generally recognized sets of professional standards, which include those adopted by the American Bar Association, the International Ombudsman Association, and the United States Ombudsman Association, and they should follow, to the extent applicable, the

procedural recommendations below. Existing offices with the ombuds title that do not adhere to these standards should consider modifying their title, where permitted, to avoid any confusion.

b. Ombuds offices created by executive action should be established or governed by a charter or other agency-wide directive specifying the office's mandate, standards, and operational requirements, so that others in the agency and the public are aware of the office's responsibilities.

2. Legislative Considerations.

a. Congress should consider creating additional ombuds offices. When Congress creates a new ombuds program, it should observe the procedural principles contained in this recommendation, to the extent applicable.

b. Any action by Congress creating or affecting the operations of agency ombuds offices, whether through amendment of the Administrative Dispute Resolution Act (ADRA), 5 U.S.C. 571–84, or other legislative action, should reinforce the core standards of independence, confidentiality, and impartiality. Any such actions should maintain clarity and uniformity of definitions and purpose for federal agency ombuds, while allowing for differences in constituencies (whether primarily internal or external), type of office (advocate, analytic, organizational, etc.), and agency missions.

3. Leadership Support.

a. Agency leadership should provide visible support, renewed as leadership changes, for the role of ombuds offices in the agency and their standards, including independence, confidentiality, and impartiality.

b. Agency leadership should consider carefully any specific recommendations for improved agency performance that are provided by agency ombuds.

4. Independence.

a. To promote the effectiveness and independence of ombuds offices, agencies should consider structuring ombuds offices so that they are perceived to have the necessary independence and are separate from other units of the agency. To ensure adequate support from agency leadership, ombuds offices should report to an agency official at the highest level of senior leadership. Ombuds offices should not have duties within the agency that might create a conflict with their responsibilities as a neutral, and their budgets should be publicly disclosed.

b. The agency should ensure that the ombuds has direct access to the agency head and to other senior agency officials, as appropriate. Whether by statute, regulation, or charter, ombuds should expressly be given access to agency information and records pertinent to the ombuds' responsibilities as permitted by law.

c. Ombuds and the agencies in which they are located should clearly articulate in all communications about the ombuds that the ombuds office is independent and specifically not a conduit for notice to the agency.

d. Federal ombuds should not be subject to retaliation, up to and including removal from the ombuds office, based on their looking

into and assisting with the resolution of any issues within the ombuds' area of jurisdiction.

5. Confidentiality.

a. Consistent with the generally accepted interpretation of ADRA § 574, as applied to alternative dispute resolution offices, agencies should understand and support that the Act's requirements for confidentiality attach to communications that occur at intake and continue until the issue has been resolved or is otherwise no longer being handled by the ombuds, whether or not the constituent ever engages in mediation facilitated by the ombuds office. Restrictions on disclosure of such communications, however, should not cease with issue resolution or other indicia of closure within the ombuds office.

b. Agencies (or other authorizers) should articulate the scope and limits of the confidentiality offered by ombuds offices in their enabling documents (whether statute, regulation, charter or other memoranda), as well as on the agency Web site, in brochures, and in any other descriptions or public communications about the office utilized by the office or the agency.

c. Agency leadership and management should not ask for information falling within the scope of confidentiality offered by the ombuds office.

d. If information is requested from an ombuds during discovery in litigation, or in the context of an internal administrative proceeding in connection with a grievance or complaint, then the ombuds should seek to protect confidentiality to the fullest extent possible under the provisions of ADRA § 574, unless otherwise provided by law. Agencies should vigorously defend the confidentiality offered by ombuds offices.

6. *Impartiality.* Ombuds should conduct inquiries and investigations in an impartial manner, free from conflicts of interest. After impartial review, ombuds may appropriately advocate with regard to process. An ombuds established with advocacy responsibilities may also advocate for specific outcomes.

7. *Legal Issues.* Federal ombuds should consider potential conflicts in the following areas:

a. The relationships among their statutory duties to report information, the requirements of ADRA § 574(a)(3) on confidentiality, their agency's mission, and the professional standards to which they adhere.

b. The requirements and interrelationship of the Federal Records Act, the Freedom of Information Act, and the Privacy Act, with regard to agency records and other documentation.

c. The effect on confidentiality of the provision in the Federal Service Labor-Management Relations Statute, 5 U.S.C. 7114, where applicable, pursuant to which the union may be entitled to notice and an opportunity to be present at meetings with bargaining unit employees.

8. Staffing.

a. Agencies should reinforce the credibility of federal ombuds by appointment of ombuds with sufficient professional stature, who also possess the requisite knowledge, skills, and abilities. This should include, at a minimum,

⁹ 44 U.S.C. Chaps. 21, 22, 29, 31, and 33.

¹⁰ 5 U.S.C. 552 (2012).

¹¹ *Id.* § 552a.

¹² *Id.* §§ 7101–35; *see id.* § 7114.

knowledge of informal dispute resolution practices as well as, depending on the office mandate, familiarity with process design, training, data analysis, and facilitation and group work with diverse populations. Agency ombuds offices should also seek to achieve the necessary diversity of ombuds skills and backgrounds on their staffs to credibly handle all matters presented to the office.

b. While the spectrum of federal ombuds is too diverse to recommend a single federal position classification, job grade, and set of qualifications, agencies and the Office of Personnel Management should consider working collaboratively, in consultation with the relevant ombuds professional associations, to craft and propose appropriate job descriptions, classifications, and qualifications, as set forth in the preceding subsection, covering the major categories of federal ombuds.

9. Training and Skills.

a. To promote accountability and professionalism, agencies should provide training to ombuds with regard to standards and practice, whether offered by one of the ombuds professional organizations or working groups, or from within the government.

b. Ombuds should identify steps to build general competency and confidence within the office and to provide specific support to ombuds when cases become highly emotional or complex. More generally, as a regular practice to support and improve their skills, federal ombuds should participate in relevant professional working groups or ombuds association training programs.

c. Ombuds offices should consider the use of developmental assignments via details to other agencies or offices, as appropriate, supplemented by mentoring, which can be helpful as part of their training program.

10. *Access to Counsel.* To protect the independence and confidentiality of federal ombuds, agencies should ensure, consistent with available resources, that ombuds have access to legal counsel for matters within the purview of the ombuds, whether provided within the agency with appropriate safeguards for confidentiality, by direct hiring of attorneys by the ombuds office, or under an arrangement enabling the sharing across agencies of counsel for this purpose. Such counsel should be free of conflicts of interest.

11. *Physical Facilities.* To reinforce confidentiality and the perception of independence, to the fullest extent possible and consistent with agency resources, the agency should ensure that the physical ombuds office and telephonic and online communications systems and documentation enable discreet meetings and conversations.

12. *Evaluation.* Each ombuds office should, as a regular professional practice, ensure the periodic evaluation of both office management and program effectiveness for the purposes of continual improvement and accountability.

13. Providing Information.

a. Ombuds offices should provide information about relevant options to visitors to the ombuds office, including formal processes for resolving issues, and their

requirements, so that visitors do not unintentionally waive these options by virtue of seeking assistance in the ombuds office. Correspondingly, ombuds offices should not engage in behavior that could mislead employees or other visitors about the respective roles of the ombuds and those entities that provide formal complaint processes.

b. Agencies should disclose publicly on their Web sites the identity, contact information, statutory or other basis, and scope of responsibility for their ombuds offices, to the extent permitted by law.

c. Agency ombuds offices should explore ways to document for agency senior leadership, without breaching confidentiality, the value of the use of ombuds, including identification of systemic problems within the agency and, where available, relevant data on cost savings and avoidance of litigation.

14. *Records Management.* Federal ombuds offices should work with agency records officials to ensure appropriate confidentiality protections for the records created in the course of the office's work and to ensure that ombuds records are included in appropriate records schedules.

15. Agency-wide Considerations.

a. Ombuds offices should undertake outreach and education to build effective relationships with those affected by their work. Outreach efforts should foster awareness of the services that ombuds offer, to promote understanding of ombuds (and agency) processes and to ensure that constituents understand the role of the ombuds and applicable standards.

b. To ensure that there is a mutual understanding of respective roles and responsibilities within the agency, ombuds offices should work proactively with other offices and stakeholders within their agencies to establish protocols for referrals and overlap, to build cooperative relationships and partnerships that will enable resolutions, and to develop internal champions. Such initiatives also help the ombuds to identify issues new to the agency, as well as patterns and systemic issues, and to understand how the ombuds can use the resources available to add the most value. Outreach should be ongoing to keep up with the turnover of agency officials and constituents and should utilize as many communications media as appropriate and feasible.

16. *Interagency Coordination.* An entity should be designated to serve as a central resource for agency ombuds to address matters of common concern.

Administrative Conference Recommendation 2016-6

Self-Represented Parties in Administrative Proceedings

Adopted December 14, 2016

Federal agencies conduct millions of proceedings each year, making decisions that affect such important matters as disability or veterans' benefits, immigration status, and home or property loans. In many of these adjudications, claimants appear unrepresented for part or all of the proceeding and must learn to navigate

hearing procedures, which can be quite complex, without expert assistance. The presence of self-represented parties¹ in administrative proceedings can create challenges for both administrative agencies and for the parties seeking agency assistance. Further, the presence of self-represented parties raises a number of concerns relating to the consistency of outcomes and the efficiency of processing cases.

Because of these concerns, in the spring of 2015 the Department of Justice's Access to Justice Initiative asked the Administrative Conference to co-lead a working group on self-represented parties in administrative proceedings, and the Conference agreed. The working group, which operates under the umbrella of the Legal Aid Interagency Roundtable (LAIR), has been meeting since that time.² During working group meetings, representatives from a number of agencies, including the Social Security Administration (SSA), Executive Office for Immigration Review (EOIR), Board of Veterans' Appeals (BVA), Internal Revenue Service (IRS), Department of Health and Human Services (HHS), Department of Agriculture (USDA), and Department of Housing and Urban Development (HUD) participated and shared information about their practices and procedures relating to self-represented parties. In working group meetings, agency representatives agreed that proceedings involving self-represented parties are challenging, and expressed interest both in learning more about how other agencies and courts handle self-represented parties and in improving their own practices. This recommendation, and its accompanying report,³ arose in response to those concerns.⁴

¹ The term "self-represented" is used to denote parties who do not have professional representation, provided by either a lawyer or an experienced nonlawyer. Representation by a non-expert family member or friend is included in this recommendation's use of the term "self-represented." Administrative agencies generally use the term "self-represented," in contrast to courts' use of the term *pro se*. Because this recommendation focuses on agency adjudication, it uses the term "self-represented," while acknowledging that the two terms are effectively synonymous.

² LAIR was established in 2012 by the White House Domestic Policy Council and the Department of Justice. See *White House Legal Aid Interagency Roundtable*, U.S. Dep't of Just., <https://www.justice.gov/lair> (last visited Aug. 16, 2016). It was formalized by presidential memorandum in the fall of 2015. See Memorandum from the President to the Heads of Exec. Dep'ts and Agencies (Sept. 14, 2015), <https://www.whitehouse.gov/the-press-office/2015/09/24/presidential-memorandum-establishment-white-house-legal-aid-interagency>.

³ Connie Vogelmann, *Self-Represented Parties in Administrative Hearings* (Sept. 7, 2016), <https://www.acus.gov/sites/default/files/documents/Self-Represented-Parties-Administrative-Hearings-Draft-Report.pdf>.

⁴ This recommendation primarily targets the subset of administrative agencies that conduct their own administrative hearings. Components of a number of federal agencies—including HUD, HHS, and USDA—do not conduct hearings directly, and instead delegate adjudication responsibilities to state or local entities. Because the challenges facing these components are quite distinct, they are not addressed in this recommendation.

While civil courts have long recognized and worked to address the challenges introduced by the presence of self-represented parties, agencies have increasingly begun to focus on issues relating to self-representation only in recent years. Agencies are undertaking numerous efforts to accommodate self-represented parties in their adjudication processes.⁵ Yet quantitative information on self-representation in the administrative context is comparatively scarce, and there is much insight to be gained from the civil courts in identifying problems and solutions pertaining to self-representation. Although there are important differences between procedures in administrative proceedings and those in civil courts, available information indicates that the two contexts share many of the same problems—and solutions—when dealing with self-represented parties.

Challenges related to self-represented parties in administrative proceedings can be broken down into two main categories: Those pertaining to the efficiency of the administrative proceeding and those relating to the outcome of the procedure.

From an efficiency standpoint, self-represented parties' lack of familiarity with agency procedures and administrative processes can cause delay both in individual cases and on a systemic level. Delays in individual cases may arise when self-represented parties fail to appear for scheduled hearings, file paperwork incorrectly or incompletely, do not provide all relevant evidence, or make incoherent or legally irrelevant arguments before an adjudicator. In the aggregate, self-represented parties also may require significant assistance from agency staff in filing their claims and appeals, which can be challenging given agencies' significant resource constraints. Finally, self-represented parties may create challenges for adjudicators, who may struggle to provide appropriate assistance to them while maintaining impartiality and the appearance of impartiality. These problems are exacerbated by the fact that many agencies hear significant numbers of cases by self-represented parties each year.

Self-represented parties also may face suboptimal outcomes in administrative proceedings compared to their represented counterparts, raising issues of fairness. Even administrative procedures that are designed to be handled without trained representation can be challenging for inexperienced parties to navigate, particularly in the face of disability or language or literacy barriers. Furthermore, missed deadlines or hearings may result in a self-represented party's case being dismissed, despite its merits. Self-represented parties often struggle to effectively present their cases and, despite adjudicators' best efforts, may receive worse results than parties with representation.

Civil courts face many of these same efficiency and consistency concerns, and in response have implemented wide-ranging innovations to assist self-represented parties. These new approaches have included in-person self-service centers; workshops explaining the process or helping parties

complete paperwork; and virtual services such as helplines accessible via phone, email, text, and chat. Courts have also invested in efforts to make processes more accessible to self-represented parties from the outset, through the development of web resources, e-filing and document assembly programs, and plain language and translation services for forms and other documents. Finally, courts have also used judicial resources and training to support judges and court personnel in their efforts to effectively and impartially support self-represented parties.

These innovations have received extremely positive feedback from parties, and early reports indicate that they improve court efficiency and can yield significant cost savings for the judiciary.⁶ Administrative agencies have also implemented, or are in the process of implementing, many similar innovations.⁷ For instance, some agencies make use of pre-hearing conferences to reduce both the necessity and the complexity of subsequent hearings.⁸

This recommendation builds on the successes of both civil courts and administrative agencies in dealing with self-represented parties and makes suggestions for further improvement. In making this recommendation, the Conference makes no normative judgment on the presence of self-represented parties in administrative proceedings. This recommendation assumes that there will be circumstances in which parties will choose to represent themselves, and seeks to improve the resources available to those parties and the fairness and efficiency of the overall administrative process.

The recommendation is not intended to be one-size-fits-all, and not every recommendation will be appropriate for every administrative agency. To the extent that this recommendation requires additional expenditure of resources by agencies, innovations are likely to pay dividends in increased efficiency and consistency of outcome in the long term.⁹ The goals of this recommendation are to improve both the ease with which cases involving self-represented parties are processed and the consistency of the outcomes reached in those cases.

Recommendation

Agency Resources

1. Agencies should consider investigating and implementing triage and diagnostic tools to direct self-represented parties to appropriate resources based on both the complexity of their case and their individual level of need. These tools can be used by self-represented parties themselves for self-diagnosis or can be used by agency staff to improve the consistency and accuracy of information provided.

⁶ Richard Zorza, *Trends in Self-Represented Litigation Innovation*, in *Future Trends in State Courts* 85 (Carol R. Flango et al. eds., 2006). See generally John Greacen, *The Benefits and Costs of Programs to Assist Self-Represented Litigants* (2009).

⁷ Vogelmann, *supra* note 3, at 28–50.

⁸ *Id.* at 32–33.

⁹ See generally Greacen, *supra* note 6.

2. Agencies should strive to develop a continuum of services for self-represented parties, from self-help to one-on-one guidance, that will allow parties to obtain assistance by different methods depending on need. In particular, and depending on the availability of resources, agencies should:

a. Use Web sites to make relevant information available to the public, including self-represented parties and entities that assist them, to access and expand e-filing opportunities;

b. Continue efforts to make forms and other important materials accessible to self-represented parties by providing them at the earliest possible stage in the proceeding in plain language, in both English and in other languages as needed, and by providing effective assistance for persons with special needs; and

c. Provide a method for self-represented parties to communicate in “real-time” with agency staff or agency partners, as appropriate.

3. Subject to the availability of resources and as permitted by agency statutes and regulations, agencies should provide training for adjudicators for dealing with self-represented parties, including providing guidance for how they should interact with self-represented parties during administrative proceedings. Specifically, training should address interacting with self-represented parties in situations of limited literacy or English proficiency or mental or physical disability.

Data Collection and Agency Coordination

4. Agencies should strive to collect the following information, subject to the availability of resources, and keeping in mind relevant statutes including the Paperwork Reduction Act, where applicable. Agencies should use the information collected to continually evaluate and revise their services for self-represented parties. In particular, agencies should:

a. Seek to collect data on the number of self-represented parties in agency proceedings. In addition, agencies should collect data on their services for self-represented parties and request program feedback from agency personnel.

b. Seek to collect data from self-represented parties about their experiences during the proceeding and on their use of self-help resources.

c. Strive to keep open lines of communication with other agencies and with civil courts, recognizing that in spite of differences in procedures, other adjudicators have important and transferable insights in working with self-represented parties.

Considerations for the Future

5. In the long term, agencies should strive to re-evaluate procedures with an eye toward accommodating self-represented parties. Proceedings are often designed to accommodate attorneys and other trained professionals. Agencies should evaluate the feasibility of navigating their system for an outsider, and make changes—as allowed by their organic statutes and regulations—to simplify their processes accordingly. Although creation of simplified procedures

⁵ *Id.* at 28–50.

would benefit all parties, they would be expected to provide particular assistance to self-represented parties.

[FR Doc. 2016-31047 Filed 12-22-16; 8:45 am]

BILLING CODE 6110-01-P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

December 19, 2016.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104-13. Comments are requested regarding (1) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments regarding this information collection received by January 23, 2017 will be considered. Written comments should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), New Executive Office Building, 725 17th Street NW., Washington, DC 20502. Commenters are encouraged to submit their comments to OMB via email to: OIRA_Submission@OMB.EOP.GOV or fax (202) 395-5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250-7602. Copies of the submission(s) may be obtained by calling (202) 720-8958.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Economic Research Service

Title: Risk Preferences and Demand for Crop Insurance and Cover Crop Program.

OMB Control Number: 0536-NEW.

Summary of Collection: Federal crop insurance programs and soil conservation programs, including those that promote use of cover crops, can significantly alter the farm revenue risk profile for the farmers who adopt them. The Economic Research Service (ERS) currently models the demand for federal crop insurance and cover crop promotion programs as part of multiple research objectives. These economic models rely on traditional theories of farmer decision-making under risk, and over-predict participation rates for all crop insurance and cover crop programs. This data collection will use an experiment with university students to test alternate theories of decision-making under risk. ERS will be using a laboratory experiment to (1) characterize the relationship between cover crop usage and crop insurance purchase, and (2) explore how this relationship depends on individuals risk preferences and demographic characteristics. Data collection for this project is authorized by the 7 U.S.C. 2204(a).

Need and Use of the Information: The information to be collected under this proposed study is needed to provide evidence as to which theories best predict joint adoption of cover crop and crop insurance programs. This research will be exploratory in nature, and will be used to gain insights into specific economic behaviors regarding decision-making under risk. This research will not be used to generate population estimates, and the results from the proposed study design are not intended to be generalizable outside of the study participants. Results from this experiment will be used to inform future experimental research studies for risk management decision-making with more representative samples.

Description of Respondents: Individuals or households.

Number of Respondents: 2,000.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 861.

Ruth Brown,

*Departmental Information Collection
Clearance Officer.*

[FR Doc. 2016-30897 Filed 12-22-16; 8:45 am]

BILLING CODE 3410-18-P

DEPARTMENT OF COMMERCE

Census Bureau

Agency Information Collection Activities; Request for Comments; Revision of the Confidentiality Pledge Under Title 13 United States Code, Section 9

AGENCY: Census Bureau, U.S.
Department of Commerce.

ACTION: Notice.

SUMMARY: Under 44 U.S.C. 3506(e) and 13 U.S.C. Section 9, the U.S. Census Bureau is seeking comments on revisions to the confidentiality pledge it provides to its respondents under Title 13, United States Code, Section 9. These revisions are required by the passage and implementation of provisions of the Federal Cybersecurity Enhancement Act of 2015 (H.R. 2029, Division N, Title II, Subtitle B, Sec. 223), which permit and require the Secretary of Homeland Security to provide Federal civilian agencies' information technology systems with cybersecurity protection for their Internet traffic. More details on this announcement are presented in the **SUPPLEMENTARY INFORMATION** section below.

DATES: To ensure consideration, written comments must be submitted on or before February 21, 2017.

ADDRESSES: Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW., Washington, DC 20230 (or via the Internet at jjessup@doc.gov).

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Robin J. Bachman, Policy Coordination Office, Census Bureau, HQ-8H028, Washington, DC 20233; 301-763-6440 (or via email at pco.policy.office@census.gov). Due to delays in the receipt of regular mail related to security screening, respondents are encouraged to use electronic communications.

SUPPLEMENTARY INFORMATION:

I. Abstract

Federal statistics provide key information that the Nation uses to measure its performance and make informed choices about budgets, employment, health, investments, taxes, and a host of other significant topics. The overwhelming majority of Federal surveys are conducted on a voluntary basis. Respondents, ranging from businesses to households to institutions, may choose whether or not to provide the requested information. Many of the

To: Grantham, Nancy[Grantham.Nancy@epa.gov]; Benton, Donald[benton.donald@epa.gov]; Konkus, John[konkus.john@epa.gov]; Schnare, David[schnare.david@epa.gov]
From: Ericksen, Doug
Sent: Mon 2/6/2017 8:35:05 PM
Subject: RE: according to twitter: Chicago EPA employees rally today against Pruitt

This is one that we will have to discuss today.

Ericksen

From: Grantham, Nancy
Sent: Monday, February 6, 2017 3:34 PM
To: Benton, Donald <benton.donald@epa.gov>; Ericksen, Doug <ericksen.doug@epa.gov>; Konkus, John <konkus.john@epa.gov>; Schnare, David <schnare.david@epa.gov>
Subject: RE: according to twitter: Chicago EPA employees rally today against Pruitt

According to comms staff in the region – about 125 participants – many signs – fair amount of media.

Thanks ng

Nancy Grantham

Office of Public Affairs

US Environmental Protection Agency

202-564-6879 (desk)

202-253-7056 (mobile)

From: Grantham, Nancy
Sent: Monday, February 06, 2017 12:20 PM
To: Benton, Donald <benton.donald@epa.gov>; Ericksen, Doug <ericksen.doug@epa.gov>;

Konkus, John <konkus.john@epa.gov>

Cc: Grantham, Nancy <Grantham.Nancy@epa.gov>

Subject: according to twitter: Chicago EPA employees rally today against Pruitt

Called the regional comms folks and their understanding is this is a joint Sierra Club/AFGE rally

Nancy Grantham

Office of Public Affairs

US Environmental Protection Agency

202-564-6879 (desk)

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WLS-AM 890 Verified account
[@wlsam890](https://twitter.com/wlsam890)

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Chicago EPA employees will urge the Senate to reject the nomination of Scott Pruitt as agency head at a rally today at Federal Plaza.

Christie St. Clair

Office of Public Affairs

Environmental Protection Agency

Washington, DC

o: 202-564-2880

m: 202-768-5780

To: Benton, Donald[benton.donald@epa.gov]; Schnare, David[schnare.david@epa.gov]; Konkus, John[konkus.john@epa.gov]; Ericksen, Doug[ericksen.doug@epa.gov]
Cc: Grantham, Nancy[Grantham.Nancy@epa.gov]
From: Grantham, Nancy
Sent: Mon 2/6/2017 1:54:20 PM
Subject: FW: Response to Northwest Indiana Times

Hi –

Below is the response we sent on Friday evening to the Northwest Indiana Times.

Here is the story that just posted:

http://www.nwitimes.com/news/local/lake/epa-east-chicago-residents-should-use-water-filters/article_9e06a949-937f-5610-8c6b-a1316ff9a73d.html

Thanks ng

Nancy Grantham

Office of Public Affairs

US Environmental Protection Agency

202-564-6879 (desk)

Personal Phone/Ex. 6 **(mobile)**

Sarah, Below you'll find responses to your inquiry from earlier today.

Anne Rowan

Office of External Communications

U.S. EPA Region 5, Chicago

312-353-9391

I've obtained records East Chicago filed Dec. 22 with the Indiana Utility Regulatory Commission showing East Chicago sells about 15 percent of its water to Indiana American Water Co., which serves Gary and several other communities. Mr. Deltoral said at Saturday's open house that everyone on the system should be using a certified filter on taps from which they consume water. Does this recommendation extend to Indiana American customers who might be getting water from East Chicago's water system?

From Miguel Del Toral:

The response I provided in EC was regarding whether EPA was going to be doing any additional sampling in the rest of the city. What I said was that this pilot study had a specific purpose and was not intended to check what the lead levels were throughout the city. As such, EPA is not planning to do additional sampling, and that lead lines in the cleanup area would behave no differently than lead lines in other neighborhoods or other cities with lead lines. If it is true that 90% of the homes in EC have lead lines, residents should assume they have one and, in my opinion, should use a properly certified filter. This is my recommendation for any home in any city with a lead line, regardless of water quality or any other factor.

According to Peter Grevatt, director of EPA's Office of Groundwater and Drinking Water:

Lead certified filters are one way to remove lead from drinking water, but EPA recommends several other ways to reduce lead in drinking water as well:

- **Use only cold water for drinking, cooking and making baby formula. Remember, boiling water does not remove lead from water.**
- **Run water for 30 seconds to 2 minutes before drinking it, especially if you have not used your water for a few hours.**
- **Regularly clean your faucet's screen (also known as an aerator).**
- **Residents that choose to use a filter to remove lead from drinking water should read the directions to learn when to change the cartridge. Using a filter after it has expired can make it less effective at removing lead.**

The best way to determine whether you may have lead in your drinking water is to have your water tested. Citizens should be aware that lead in homes can also come from sources other than water. If they live in a home built before 1978, they may want to have your paint tested for lead. They should contact their doctor to have their children tested if they are concerned about lead exposure. These tips and other important information about lead can be found on www.epa.gov/ground-water-and-drinking-water

Records I have obtained show East Chicago was using hexametaphosphate to control corrosion until September 2016, then switched to an orthophosphate-polyphosphate blend. Virginia Tech scientist Marc Edwards shared a study he authored indicating hexametaphosphate can actually increase lead leeching, and that orthophosphate is a better choice. Does EPA – and Miguel Deltoral – agree that orthophosphate is a better choice for corrosion control?

Please see response below

Did EPA have any involvement in the city's switch from hexametaphosphate to an orthophosphate-polyphosphate blend?

In August 2016, IDEM told EPA that the specific corrosion control chemical used by East Chicago is called "Carus 8600." "Carus 8600" is a blend that includes 30% polyphosphate (as hexametaphosphate) and 70% orthophosphate. The orthophosphate portion of the chemical blend is what helps with lead corrosion control.

To: Benton, Donald[benton.donald@epa.gov]; Fine, Steven[fine.steven@epa.gov]
Cc: Ericksen, Doug[ericksen.doug@epa.gov]; Konkus, John[konkus.john@epa.gov]; Munoz, Charles[munoz.charles@epa.gov]; Schnare, David[schnare.david@epa.gov]; McCabe, Catherine[McCabe.Catherine@epa.gov]; Flynn, Mike[Flynn.Mike@epa.gov]
From: Minoli, Kevin
Sent: Sat 2/4/2017 9:30:02 PM
Subject: RE: Transparency at EPA

Hi Don- Let me start with the new plan for managing email records at EPA that is under development now, and then give a bit of history of how we got here.

OEI and OGC recently worked very hard to propose what is known as a Capstone Approach to record keeping for EPA to the National Archives and Records Administration for their review. The premise behind the Capstone Approach, which is NARA's record keeping system of the future, is that a simplified records program better ensures preservation of the information that must be preserved, and does so more efficiently. [I have heard the former head of NARA say that it also recognizes the reality that employees are not able or motivated to make reliable records management decisions as the old/existing approach expects them to do, and so the old/existing system is not successful.] NARA's review is expected to last 4-6 months, and so should provide an opportunity for Mr. Pruitt to provide his input before EPA's Capstone Approach is finalized. It does not, however, propose permanent preservation of the emails of all employees, nor do I believe anyone advocated for that approach for all employees.

Consistent with NARA guidance on creating a Capstone Approach, EPA's current proposal is to ultimately (if feasible) divide positions into three groups based upon their likelihood of having records in their email. There would be a single records schedule that applied to all of the emails sent or received by the employee, and the length of the schedule would be different for each of the three groups: permanent retention, seven year retention, or three year retention. The permanent retention group will include RAs, AAs, DRAs, DAAs, ARAs, and selected other people in HQ (including a number of people in the AO and others such as the Controller and the Chief Judge, Office of Administrative Law Judges), for a total of about 100 positions. Even for that group, though, NARA's guidance specifically encourages agencies to think about a limited period within which employees can delete a message before the messages are locked into being preserved. That opportunity is often seen as important for people to be able to remove personal (non-work) messages sent to a work account, but it is ultimately a policy choice whether to allow for that.

Prior to the Capstone Approach, OEI did consult with OGC on a proposal to turn on a program that would technologically prevent *employees subject to a litigation hold* from deleting any emails they sent or received from that point forward or any email that was in their account on

that first day. For employees not subject to a litigation hold, however, they would have had the same rights and responsibilities for preserving their emails as they do today. The former General Counsel did object, largely on policy grounds, to the inability of an employee to remove a personal email or non-record email that was sent to or from their EPA.gov account, and that approach soon took a second chair to the Capstone effort. Our information at the time did not identify many or maybe even any entire agency where all emails were permanently preserved without regard to content. Prior to that, OGC was most often asked to opine on a "auto -delete" approach where emails would automatically delete after some number of days, and we regularly determined those approaches were not consistent with our legal obligations.

While that may be more detail than your email required, I did want to offer you the future and the history of this issue here at EPA and across the executive branch as I think it provides a fuller picture as to why EPA does not have permanent email preservation for all employees. It also is important context for any new plan that would move us there. I know my folks in OGC (and I expect Steve's in OEI) would be happy to set up a briefing for you or your team on our Capstone Approach proposal and we could also invite a representative of NARA to join us if you would like. I do predict that NARA would have concerns with a permanent email preservation approach for all employees, so it would be helpful for us to hear those together. It would also be helpful if we do want to prepare an option for the future Administrator, so we can work to address NARA's concerns in our proposal to the best we can. Of course, we may find that NARA's preferred approach will evolve under this administration as well.

Please let me know if you would like me to set that up for you or someone on your team.

Thanks, Kevin

Kevin S. Minoli

Acting General Counsel

Office of General Counsel

US Environmental Protection Agency

Main Office Line: 202-564-8040

From: Benton, Donald

Sent: Friday, February 03, 2017 7:35 AM

To: Minoli, Kevin <Minoli.Kevin@epa.gov>; Fine, Steven <fine.steven@epa.gov>
Cc: Ericksen, Doug <ericksen.doug@epa.gov>; Konkus, John <konkus.john@epa.gov>; Munoz, Charles <munoz.charles@epa.gov>; Schnare, David <schnare.david@epa.gov>; McCabe, Catherine <McCabe.Catherine@epa.gov>
Subject: Transparency at EPA
Importance: High

Kevin,

I was shocked to discover yesterday afternoon that all EPA emails are NOT archived. Most every other agency automatically archives emails and apparently we do not based on recommendations from past OGC.

It is my belief that the public has a right to discover through FOIA any email that does not contain personal or national security related information. Under our current system it is apparently up to each individual employee here at EPA to determine whether their email is an important document necessary to be retained. I do not feel that each employee has the proper training to determine this question. This policy/practice puts the Agency at risk of law suits and could result in the public being unable to obtain important information they may be entitled to under the law.

The President has made it very clear that his government will be one that embraces transparency and as such I am asking you to immediately prepare a new agency policy for review by the new Administrator that is more in line with this goal and similar to the practice of every other government agency.

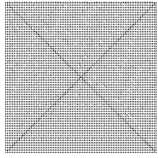
Don

Senator Don Benton

Senior White House Advisor

Office of the Administrator

202.564.4711



To: Ericksen, Doug[ericksen.doug@epa.gov]; Benton, Donald[benton.donald@epa.gov]; Schnare, David[schnare.david@epa.gov]
From: David Schnare
Sent: Sat 2/4/2017 3:40:31 PM
Subject: House hearing of note

See: <https://www.texastribune.org/2017/02/02/lamar-smith-schedules-make-epa-great-again-hearing/>

Deliberative Process Privilege/Ex. 5

d.

--

David W. Schnare, Esq. Ph.D.

To: Grantham, Nancy[Grantham.Nancy@epa.gov]; Schnare, David[schnare.david@epa.gov]
Cc: Ericksen, Doug[ericksen.doug@epa.gov]
From: Konkus, John
Sent: Tue 1/31/2017 12:46:43 PM
Subject: RE: presentation for SBA roundtable

No questions from me.

From: Grantham, Nancy
Sent: Tuesday, January 31, 2017 6:33 AM
To: Schnare, David <schnare.david@epa.gov>
Cc: Konkus, John <konkus.john@epa.gov>; Ericksen, Doug <ericksen.doug@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>
Subject: FW: presentation for SBA roundtable

All –

Attached is what our team plans to present at the SBA roundtable on Friday.

Please let us know if you have questions.

Thanks ng

Nancy Grantham

Office of Public Affairs

US Environmental Protection Agency

202-564-6879 (desk)

Personal Phone/Ex. 6 (mobile)

Sent from my iPhone

Begin forwarded message:

From: "Sasseville, Sonya" <Sasseville.Sonya@epa.gov>
To: "Lowery, Brigid" <Lowery.Brigid@epa.gov>, "Cohen, Nancy" <Cohen.Nancy@epa.gov>, "Huff, Mark J" <huff.markj@epa.gov>
Cc: "Benjamin, Kent" <Benjamin.Kent@epa.gov>, "Huggins, Richard" <Huggins.Richard@epa.gov>, "Radtke, Meghan" <Radtke.Meghan@epa.gov>, "Johnson, Barnes" <Johnson.Barnes@epa.gov>
Subject: RE: presentation for SBA roundtable

Hi, Brigid, we don't have one together yet, but essentially we plan to use the slides from the two 108(b) webinars that we presented this month. Here are the two webinar presentations.

From: Anderson, Denise
Location: WJC-N 3412
Importance: Normal
Subject: Meeting with Beachhead Team
Categories: Record Saved - Shared
Start Date/Time: Mon 1/23/2017 9:00:00 PM
End Date/Time: Mon 1/23/2017 9:45:00 PM

To: Ericksen, Doug[ericksen.doug@epa.gov]
From: Schnare, David
Sent: Thur 1/26/2017 5:14:32 PM
Subject: RE: ericksen

Doug:

Sorry to ;have been busy when ;you stuck your head in the last time. Come on over whenever you want. I'll be working paper and on no deadline, other dthan a standing 2pm with McCabe.

d.

From: Ericksen, Doug
Sent: Thursday, January 26, 2017 12:06 PM
To: Schnare, David <schnare.david@epa.gov>
Subject: ericksen

You have time to sit down this afternoon for 10 minutes?

Ericksen

To: Ericksen, Doug[ericksen.doug@epa.gov]
From: Schnare, David
Sent: Wed 1/25/2017 4:01:27 PM
Subject: RE: Possible social media soundbite

Amy

From: Ericksen, Doug
Sent: Wednesday, January 25, 2017 10:37 AM
To: Schnare, David <schnare.david@epa.gov>
Subject: Re: Possible social media soundbite

Thank you. I will use. Who put this together?

Sent from my iPhone

On Jan 25, 2017, at 9:40 AM, Schnare, David <schnare.david@epa.gov> wrote:

Doug,

Here's a possible soundbite or something you can send out or otherwise use with the media. I think it gets to the heart of the matter, giving facts the media does not now have.

dschnare

Deliberative Process Privilege/Ex. 5

To: Ericksen, Doug[ericksen.doug@epa.gov]
From: Schnare, David
Sent: Wed 1/25/2017 2:40:14 PM
Subject: Possible social media soundbite

Doug,

Here's a possible soundbite or something you can send out or otherwise use with the media. I think it gets to the heart of the matter, giving facts the media does not now have.

dschnare

Deliberative Process Privilege/Ex. 5

To: Ericksen, Doug[ericksen.doug@epa.gov]
From: Schnare, David
Sent: Fri 2/10/2017 9:58:45 PM
Subject: EO messaging
Executive Orders Messaging.docx

Doug:

Here is what I've worked up. The one big black is Climate Change. I know what I want to put there but have not had time to type it out.

Play with this and let me see what you have on Monday. Then we can send it around to Nancy and Ryan and John and see if they are happy or not.

dschnare

To: Ericksen, Doug[ericksen.doug@epa.gov]
From: Schnare, David
Sent: Wed 2/1/2017 8:30:56 PM
Subject: RE: EPA proposed rule--following up on vms

Minor SIP revisions the State wants, and for which EPA has found no reason not to grant, are not being held up. We are doing this on a case by case basis, informing the White House and seeking their direction if they don't want us to go this direction. They have not told us to stand down on these. The backlog for FR publication is growing quickly and is holding up routine Agency activity. We are trying to do what we can to ensure the Agency's non-controversial and in many cases, non-significant federal register notices move along.

d

From: Ericksen, Doug
Sent: Wednesday, February 1, 2017 2:41 PM
To: Schnare, David <schnare.david@epa.gov>
Subject: Fwd: EPA proposed rule--following up on vms

What is up with this?

Sent from my iPhone

Begin forwarded message:

From: Sean Reilly <sreilly@eenews.net>
Date: February 1, 2017 at 6:46:27 AM PST
To: "Ericksen.Doug@EPA.gov" <Ericksen.Doug@EPA.gov>
Subject: EPA proposed rule--following up on vms

Hi Doug:

This proposed rule (<https://s3.amazonaws.com/public-inspection.federalregister.gov/2017-02193.pdf>) is scheduled for publication in tomorrow's Federal Register. In the context of the Trump administration's regulation freeze, was a specific exception made for this particular proposal, or is its upcoming publication an indication that the freeze is more being more broadly relaxed, at least as pertains to EPA?

My deadline is 11:45 this morning.

Sean Reilly

Reporter

E&E News

202-446-0433 (Direct)

Personal Phone/Ex. 6 (Cell)

sreilly@eenews.net

To: Ericksen, Doug[ericksen.doug@epa.gov]
From: Schnare, David
Sent: Mon 3/13/2017 2:24:18 PM
Subject: Re: Ericksen

I'm here. Stop by when you want.

D

Sent from my iPhone

On Mar 13, 2017, at 9:27 AM, Ericksen, Doug <ericksen.doug@epa.gov> wrote:

David,

I am in the building today. You have a few minutes to catch up on a few items?

Ericksen

To: Ericksen, Doug[ericksen.doug@epa.gov]; Benton, Donald[benton.donald@epa.gov]; Munoz, Charles[munoz.charles@epa.gov]; Reeder, John[Reeder.John@epa.gov]
Cc: Flynn, Mike[Flynn.Mike@epa.gov]; McCabe, Catherine[McCabe.Catherine@epa.gov]
From: Schnare, David
Sent: Mon 1/30/2017 1:01:20 PM
Subject: RE: EPA Climate Change Awards

We need to find out exactly what our role in this meeting is, whether we are sponsors and whether the awards are from EPA or the other sponsors.

We also need to find out what other such events are planned for which EPA is a sponsor.

John, can you please get us this information?

d.

From: Ericksen, Doug
Sent: Monday, January 30, 2017 7:49 AM
To: Benton, Donald <benton.donald@epa.gov>; Munoz, Charles <munoz.charles@epa.gov>; Schnare, David <schnare.david@epa.gov>
Subject: EPA Climate Change Awards

How do we want to handle this one?

The event in question is scheduled for March 1-3.

ericksen

EPA

Agency awaiting Pruitt plans to give climate awards

Jean Chemnick, E&E News reporter

Published: Friday, January 27, 2017

U.S. EPA will likely be led soon by a climate skeptic, but it's still planning to give out climate leadership awards to businesses and professionals at a Chicago ceremony later this winter.

The agency is listed as the headline sponsor of a voluntary awards program to be held as part of the three-day Climate Leadership Conference on March 1-3. The gathering is presented by the Center for Climate and Energy Solutions and the Climate Registry with other private sponsors. The awards recognize private-sector achievements in carbon reduction. Winners have not been announced.

The ceremony is still being planned despite the Trump administration's decision to cancel other climate-related gatherings, like a Climate and Health Summit that the Centers for Disease Control and Prevention had planned to host next month. It seems likely that Oklahoma Attorney General Scott Pruitt (R) will be EPA administrator at the time of that agency's event. He has expressed doubt about the role human activity plays in driving climate change.

A vote hasn't been scheduled yet on Pruitt's nomination, but the longtime adversary of EPA climate rules told a Senate committee earlier this week that the consequences of CO2 emissions are "subject to continuing debate and dialogue."

The event's planners said they had not been notified of any changes to either the conference or dinner and are hopeful that it will not be affected since it's not related to regulations. The awards dinner is an annual affair that former EPA Administrator Gina McCarthy presided over last year. Organizers said that no EPA officials were ever slated to speak, though support staff typically attends. EPA did not return calls.

The speakers lineup includes Paula Gant, deputy assistant secretary for oil and natural gas at the Energy Department.

To: Benton, Donald[benton.donald@epa.gov]; Ericksen, Doug[ericksen.doug@epa.gov]
From: Schnare, David
Sent: Sat 2/4/2017 5:24:08 PM
Subject: Fwd: ICN seeking comment on my work
[Schnare Short Vita 9-15-2016.pdf](#)
[ATT00001.htm](#)
[2016.3.21 Plaintiff's Supplemental Brief.pdf](#)
[ATT00002.htm](#)
[2014.06.25 Opening Brief.pdf](#)
[ATT00003.htm](#)
[A Taxonomy of Transparency and the Academy.pdf](#)
[ATT00004.htm](#)

After considerable thought, I decided to respond to this reporter, one intending to do a hit job on me, I'm sure. I wanted you to have a heads up.

dschnare

Sent from my iPhone

Begin forwarded message:

From: "David Schnare" <[Personal Email/Ex. 6]>
To: "Schnare, David" <schnare.david@epa.gov>
Subject: Fwd: ICN seeking comment on my work

----- Forwarded message -----

From: David Schnare <[Personal Email/Ex. 6]>
Date: Sat, Feb 4, 2017 at 12:09 PM
Subject: re: ICN seeking comment on my work
To: marianne.lavelle@insideclimatenews.org
Cc: Mike Thompson <mikethompson@erols.com>

Marianne,

In general, I don't respond to press inquiries such as yours, but will make an exception because you are going to print a story in any case and because I have been a target of adverse reporting on the web that I have never taken time to correct. Your offer gives me a small space to correct some of those things.

I've attached the short version of my curriculum vitae. It tracks my professional life and may be of use to you.

If you want to contact someone with whom I've worked for many years, contact Mike Thompson at [Personal Phone/Ex. 6] I've cc'd him on this email. Mike is President of the Thomas Jefferson Institute for Public Policy, a policy shop focusing on Virginia. I've been part of

his team for over 20 years.

You appear to want to address my view on transparency in the academy. I am attaching three files that flush this out. I believe you will find the piece entitled "A Taxonomy of Transparency and the Academy" a short introduction to the issue. Section V of our Opening Brief in the matter of E&E Legal v. Arizona Board of Regents discusses this issue at greater length. Plaintiff's Supplemental Brief restates and summarizes this issue and responds to the common arguments opposing transparency in the academy. This subject is extremely complex. I do not and have never advocated complete transparency at the academy. Rather, I recognize where transparency is the norm and where transparency, even if not the norm, is helpful to society and causes no harm to academic endeavors.

Others have suggested that an interest in academic's emails is simply harassment. That claim, however, seems to be applied only by those with philosophical positions opposed to the information requester. Amicus briefs were filed on our behalf by the media in our landmark Virginia case. They recognized that state universities should be subject to freedom of information acts and usually are. Clearly the media is rarely accused of harassment when they seek the same kinds of records as E&E Legal has in the past.

E&E Legal's requests to the Universities of Virginia and Arizona were made to unearth the entire breadth of discussions revealed in the Climategate emails that came from the University of East Anglia. Complaints have been made that the release from UEA was "cherry picked" and not representative of the entire discussion. The E&E Legal request was intended to determine if those complaints were true, and, if so, to fill in the blanks. The Climategate emails raised serious questions about how the community of climate scientists went about their work, including whether they violated the code of ethics that universities generally adopt. There is no way to discover facts about these issues other than through freedom of information requests. Because global warming is such an important issue, full transparency throughout the scientific and policy community is essential to having confidence in the science and the policy itself.

As for my role in President Trump's transition, there is little to say. I retired from EPA after 33 years with EPA and nearly 40 years of public service. Public service has been the watchword of my professional career from the day I volunteered to serve in the U.S. Navy (Active Reserve) during the Viet Nam era, straight through today. Throughout my career, including my years at EPA, I have done a great deal of pro bono work at the local, state, federal and international level, all in service to the public. I suspect this stems in part from my experiences at the University of North Carolina's School of Public Health, where service was an element of everything we did and learned. Thus, when asked to help with the transition, I agreed to do so. My role, for the most part, has been to ensure that the President's ideas were converted into a plan that was consonant with EPA's mission and the institution. EPA's mission is to protect public health and the environment through implementation of laws in partnership with the states. I believe in the institution and the extraordinary collection of scientists, engineers, economists and other staff who have been my colleagues in the past and whom I'm proud to rejoin today.

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David W. Schnare, Esq. Ph.D.

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David W. Schnare, Esq. Ph.D.

To: Ericksen, Doug[ericksen.doug@epa.gov]
From: Schnare, David
Sent: Fri 1/27/2017 8:46:48 PM
Subject: FW: Reporter Inquiry - Clean Power Plan Petition for Review Appeal
[~WRD000.jpg](#)

From: Ericksen, Doug
Sent: Friday, January 27, 2017 3:38 PM
To: Benton, Donald <benton.donald@epa.gov>; Munoz, Charles <munoz.charles@epa.gov>; Schnare, David <schnare.david@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>
Subject: FW: Reporter Inquiry - Clean Power Plan Petition for Review Appeal

From: Michael Phillis [<mailto:michael.phillis@law360.com>]
Sent: Friday, January 27, 2017 3:35 PM
To: ericksen.doug@epamail.epa.gov
Subject: Reporter Inquiry - Clean Power Plan Petition for Review Appeal

Hello,

I'm a reporter with Law360. This week, a number of states asked the D.C. Circuit to consider overturning EPA's denials of their petition to review the Clean Power Plan.

I'm writing to ask for your thoughts on the actions the states are taking? Do you support it and will the EPA defend its rule before the D.C. Circuit?

Thank you in advance for your time.

Sincerely,

Michael Phillis

Reporter, Law360

michael.phillis@law360.com

646.350.1399

Legal News & Data

111 W. 19th Street, 5th Floor

New York, NY 10011

To: Ericksen, Doug[ericksen.doug@epa.gov]
From: Schnare, David
Sent: Tue 1/24/2017 3:54:15 PM
Subject: Re: Hiring Freeze

I have a hard copy of that.

Sent from my iPhone

On Jan 24, 2017, at 10:52 AM, Ericksen, Doug <ericksen.doug@epa.gov> wrote:

David,

Do we also have a version for suspending the contracts.

Ericksen

From: Schnare, David
Sent: Tuesday, January 24, 2017 9:34 AM
To: Ericksen, Doug <ericksen.doug@epa.gov>
Subject: Fwd: Hiring Freeze

Sent from my iPhone

Begin forwarded message:

From: "McCabe, Catherine" <McCabe.Catherine@epa.gov>
Date: January 23, 2017 at 4:57:00 PM EST
To: "Vizian, Donna" <Vizian.Donna@epa.gov>, "Schnare, David" <schnare.david@epa.gov>, "Benton, Donald" <benton.donald@epa.gov>, "Flynn, Mike" <Flynn.Mike@epa.gov>
Subject: RE: Hiring Freeze

Thanks, Donna. Is there a signed version of this Exec. Order?

From: Vizian, Donna
Sent: Monday, January 23, 2017 4:39 PM
To: Schnare, David <schnare.david@epa.gov>; Benton, Donald <benton.donald@epa.gov>; McCabe, Catherine <McCabe.Catherine@epa.gov>; Flynn, Mike <Flynn.Mike@epa.gov>
Subject: FW: Hiring Freeze

Please find attached the memo from the President on the Hiring Freeze. OPM will issue implementing guidance shortly.

From: CHCOC [<mailto:chcoc@opm.gov>]
Sent: Monday, January 23, 2017 4:25 PM
To: CHCOC <chcoc@opm.gov>
Cc: Reinhold, Mark D <Mark.Reinhold@opm.gov>
Subject: FW: Hiring Freeze

Good Evening CHCO's and Deputies (via Bcc),

Please see below a message from Mark Reinhold, Associate Director for Employee Services, regarding the Hiring Freeze Presidential Memorandum.

Regards,

Rich Snyder

Chief Human Capital Officers Council

Office of Personnel Management

Phone 202-606-1393

Mobile Personal Phone/Ex. 6

Please take a moment to complete this short customer service survey:

<http://surveys.benchmarkemail.com//Survey/Start?id=625407&s=575171>

Colleagues – Today the President issued a new Presidential Memorandum ordering a freeze on hiring of Federal civilian employees in the executive branch. A copy of the memorandum is attached.

Further guidance and clarifying information is being prepared and will be distributed as soon as possible; we appreciate your patience.

To: Ericksen, Doug[ericksen.doug@epa.gov]
From: Schnare, David
Sent: Tue 1/24/2017 2:33:44 PM
Subject: Fwd: Hiring Freeze

Sent from my iPhone

Begin forwarded message:

From: "McCabe, Catherine" <McCabe.Catherine@epa.gov>
Date: January 23, 2017 at 4:57:00 PM EST
To: "Vizian, Donna" <Vizian.Donna@epa.gov>, "Schnare, David" <schnare.david@epa.gov>, "Benton, Donald" <benton.donald@epa.gov>, "Flynn, Mike" <Flynn.Mike@epa.gov>
Subject: RE: Hiring Freeze

Thanks, Donna. Is there a signed version of this Exec. Order?

From: Vizian, Donna
Sent: Monday, January 23, 2017 4:39 PM
To: Schnare, David <schnare.david@epa.gov>; Benton, Donald <benton.donald@epa.gov>; McCabe, Catherine <McCabe.Catherine@epa.gov>; Flynn, Mike <Flynn.Mike@epa.gov>
Subject: FW: Hiring Freeze

Please find attached the memo from the President on the Hiring Freeze. OPM will issue implementing guidance shortly.

From: CHCOC [mailto:chcoc@opm.gov]
Sent: Monday, January 23, 2017 4:25 PM
To: CHCOC <chcoc@opm.gov>
Cc: Reinhold, Mark D <Mark.Reinhold@opm.gov>
Subject: FW: Hiring Freeze

Good Evening CHCO's and Deputies (via Bcc),

Please see below a message from Mark Reinhold, Associate Director for Employee Services, regarding the Hiring Freeze Presidential Memorandum.

Regards,

Rich Snyder

Chief Human Capital Officers Council

Office of Personnel Management

Phone 202-606-1393

Mobile Personal Phone/Ex. 6

Please take a moment to complete this short customer service survey:

<http://surveys.benchmarkemail.com//Survey/Start?id=625407&s=575171>

Colleagues – Today the President issued a new Presidential Memorandum ordering a freeze on hiring of Federal civilian employees in the executive branch. A copy of the memorandum is attached.

Further guidance and clarifying information is being prepared and will be distributed as soon as possible; we appreciate your patience.

To: Ericksen, Doug[ericksen.doug@epa.gov]
From: Schnare, David
Sent: Fri 1/27/2017 6:42:57 PM
Subject: Re: Accepted: Climate Comm. Plan

Doug
John is not yet in the system. Can you make sure he knows about the meeting?

dschnare

Sent from my iPhone

> On Jan 27, 2017, at 1:14 PM, Ericksen, Doug <ericksen.doug@epa.gov> wrote:
>
> <meeting.ics>

To: Ericksen, Doug[ericksen.doug@epa.gov]
From: Schnare, David
Sent: Fri 1/27/2017 11:25:04 AM
Subject: Re: CRR Letter to New Administration - Request to Immediately Freeze NH Stormwater General Permit Issued by EPA January 18, 2017

I froze that yesterday and informed John.

d

Sent from my iPhone

On Jan 26, 2017, at 12:06 PM, Ericksen, Doug <ericksen.doug@epa.gov> wrote:

From: John Hall [mailto:jhall@hall-associates.com]
Sent: Thursday, January 26, 2017 10:56 AM
To: Ericksen, Doug <ericksen.doug@epa.gov>; Munoz, Charles <munoz.charles@epa.gov>; Benton, Donald <benton.donald@epa.gov>
Cc: Robert R. Lucic <RLUCIC@sheehan.com>; Lynn Preston <lpreston@sheehan.com>; prosenman@hall-associates.com
Subject: CRR Letter to New Administration - Request to Immediately Freeze NH Stormwater General Permit Issued by EPA January 18, 2017
Importance: High

Dear Messrs. Ericksen, Munoz and Benton,

Attached please find a copy of the letter and email (below) transmitted yesterday to Administrator –designate Scott Pruitt from the Center for Regulatory Reasonableness on behalf of 20 New Hampshire Communities and stormwater coalitions from four other states (Pennsylvania, Colorado, Massachusetts, and Minnesota). As noted, just two days before President Trump’s inauguration, EPA issued a 250 page, multi-billion dollar MS4 General Permit to small communities in New Hampshire, knowing there was no possibility such an action would be countenanced by the new Administration. In the classic EPA style of the prior Administration, imbedded within this permit action were a series of major regulatory changes and new mandates that appear NOWHERE in the adopted NPDES rules or the statute itself. As discussed in the letter, these were extreme changes to the existing MS4 regulatory regime that could not possibly been adopted if they were proposed as actual

changes to the NPDES rules. However, as it has done in many other cases over the past 8 years, EPA used unilateral authority to impose the new requirements, and to disregard ignore all contrary public comment, by using a general permit as the vehicle to implement these unadopted and *ultra vires* rule modifications.

Because this is a permit action of statewide applicability, it would not appear to fall specifically under the regulatory freeze imposed by the President, even though EPA's action implements regulatory changes the rule freeze was intended to stop. However, the document has not yet been published in the Federal Register and can be pulled back, effectively negating the action. If this does not occur, communities in NH will be forced to file an action in Federal Court to stop this abusive permit, an action they most certainly would like to avoid, if possible.

Could you please promptly take action to freeze this clear example of regulatory overreach and abuse of administrative process by the prior Administration?

I am available at any time to come over to EPA and discuss this matter with you in detail. I look forward to hearing from you.

Respectfully

John C. Hall

Hall & Associates

Center for Regulatory Reasonableness

1620 I Street, NW, Suite 701

Washington, DC 20006

Phone: 202-463-1166

Fax: 202-463-4207

E-Mail: jhall@hall-associates.com

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From: Tonja Scott
Sent: Wednesday, January 25, 2017 6:41 PM
To: (michelle.connell.hale@gmail.com)
Cc: 'scott.pruitt@oag.ok.gov'
Subject: CRR Letter to New Administration - NH Stormwater Permit

Dear Mr. Pruitt:

I trust your confirmation process is moving along on a positive track – there is so much regulatory reform work to be done at EPA, it will be a pleasure to work with you on those efforts. My offer to assist the Administration in regulatory reform at EPA is still pending and I hope to hear from the Presidential Personnel Office in the next month or so.

As discussed in my prior emails, there are a number of seriously flawed and wasteful EPA Office of Water regulatory decisions/practices that I would like to discuss with you, given the vast resources at stake nationwide with each of these decisions. They are quintessential examples of illegal rulemaking, regulatory overreach and scientifically indefensible activities.

The items I would like to discuss with you include:

- EPA's small MS4 permit for New England communities, issued on January 18, 2017 (created new regulatory prohibitions, impossible compliance requirements, exposed all MS4 communities to immediate citizen suits and modified statutory program to create >\$10 billion in increased compliance

mandates – *all with no change in existing rules*) (**SEE ATTACHED LETTER REQUESTING REGULATORY FREEZE**)

- EPA's continued imposition of a nationwide ban on blending and bacteria mixing zones following the 8th Circuit's 2013 *Iowa League of Cities* decision that vacated those actions on APA and *ultra vires* grounds (demonstrates a complete disregard for the rule of law and statutory framework of the Clean Water Act) (PS – They did something similar in the *NEDACAP* air case from the 6th Circuit)
- EPA's use of junk science and unproven evaluation techniques to develop highly restrictive nutrient TMDLs and NPDES permits in an effort to impose stringent nutrient limits nationwide (three examples will be discussed which violate the laws of physics, use methods the scientific community has rejected as indefensible and show a complete disregard for following the recommendations of EPA's Science Advisory Board and EPA's own Peer Review Policy in creating defensible regulatory decisions)
- EPA's NPDES program actions that plainly exceed statutory authority in seeking to regulate flow, land use decisions and created a new trillion dollar "antidegradation" mandate that is contrary to the basic structure of the Clean Water Act.

I suspect it would take an hour of your time to review these issues and to discuss how they may be addressed effectively. It would be my pleasure to fly to Oklahoma City to talk with you on these issues if your schedule would allow.

I look forward to hearing from you.

John

John C. Hall

Center for Regulatory Reasonableness

1620 I Street, NW, Suite 701

Washington, DC 20006

Phone: 202-463-1166

Fax: 202-463-4207

E-Mail: **Personal Email/Ex. 6**

<CRR Letter to new Administration - NH Stormwater Permit 1-25-17 - Final.pdf>

To: Ericksen, Doug[ericksen.doug@epa.gov]
From: Schnare, David
Sent: Mon 2/13/2017 2:05:42 PM
Subject: war on coal
Final - Climate Change.docx

To: Ericksen, Doug[ericksen.doug@epa.gov]
From: Schnare, David
Sent: Mon 2/13/2017 1:53:52 PM
Subject: FW: DRAFT EO Points

Doug

You need to get on top of this with your edits.

d.

From: John Konkus [mailto: **Personal Email/Ex. 6**]
Sent: Monday, February 13, 2017 8:52 AM
To: Schnare, David <schnare.david@epa.gov>
Subject: Fwd: DRAFT EO Points

David read all the way to the bottom here... These are Ryan's points for the EOs in response to my own. I will take his and put them together with mine so were working off of one set of documents. I will incorporate whatever additions you have as well if you want to send along.

John Konkus

Begin forwarded message:

From: "Jackson, Ryan (Inhofe)" <Ryan_Jackson@inhofe.senate.gov>
Date: February 12, 2017 at 10:49:03 PM EST
To: John Konkus < **Personal Email/Ex. 6** >
Subject: RE: DRAFT EO Points

Deliberative Process Privilege/Ex. 5

Deliberative Process Privilege/Ex. 5

Deliberative Process Privilege/Ex. 5

From: John Konkus [[mailto:](#) **Personal Email/Ex. 6**]
Sent: Sunday, February 12, 2017 10:25 PM
To: Jackson, Ryan (Inhofe) <Ryan_Jackson@inhofe.senate.gov>
Subject: Re: DRAFT EO Points

Got this. Thank you. David Schnare has my original points and I expect his feedback soon. I'll also give these to him for his review. He is smart, tough as nails and has a good feel for how these things will be received inside and outside the agency.

I have not seen this one: "Establishing National Policy in Favor of Energy Independence, Economic Growth, and the Rule of Law?"

Maybe David has.

Deliberative Process Privilege/Ex. 5

John Konkus

On Feb 12, 2017, at 10:08 PM, Jackson, Ryan (Inhofe)
<Ryan_Jackson@inhofe.senate.gov> wrote:

This responds to both of your emails. I also wanted to respond to your gmail.

Deliberative Process Privilege/Ex. 5

Deliberative Process Privilege/Ex. 5

Deliberative Process Privilege/Ex. 5

Deliberative Process Privilege/Ex. 5

Deliberative Process Privilege/Ex. 5

Deliberative Process Privilege/Ex. 5

2.) WOTUS

DRAFT Messaging Points

Executive Order Top Line

Deliberative Process Privilege/Ex. 5

Deliberative Process Privilege/Ex. 5

Deliberative Process Privilege/Ex. 5

3.) MEMORANDUM FOR THE ADMINISTRATOR OF THE
ENVIRONMENTAL PROTECTION AGENCY

SUBJECT: LNG Export Licensing

DRAFT Messaging Points

Top Line

Deliberative Process Privilege/Ex. 5

Deliberative Process Privilege/Ex. 5

4.) EXECUTIVE ORDER

Restoring the Rule of Law, Federalism, and Economic Growth by Rescinding the "2015 Ozone NAAQS" Rule

Executive Order Top Line

Deliberative Process Privilege/Ex. 5

Deliberative Process Privilege/Ex. 5

5.) Executive Order – Ensuring Scientific Rigor in Agency Decisions

EXECUTIVE ORDER

Ensuring Scientific Rigor in Agency Decisions

DRAFT Messaging Points

Executive Order Top Line

Deliberative Process Privilege/Ex. 5

6.) Executive Order----Expediting Critical Infrastructure Projects

EXECUTIVE ORDER

Expediting Environmental Review and Permitting of Critical Infrastructure Projects

DRAFT Messaging Points

Executive Order Top Line

Deliberative Process Privilege/Ex. 5

7.) EXECUTIVE ORDER

Improving Cost-Benefit Analysis of Energy and Environmental Regulation

DRAFT Messaging Points

Executive Order Top Line

Deliberative Process Privilege/Ex. 5

Deliberative Process Privilege/Ex. 5

8.) MEMORANDUM FOR THE ADMINISTRATOR OF THE
ENVIRONMENTAL PROTECTION AGENCY

SUBJECT: Renewable Fuel Standard

DRAFT Messaging Points

Top Line Points

Deliberative Process Privilege/Ex. 5

Deliberative Process Privilege/Ex. 5

From: Konkus, John [<mailto:konkus.john@epa.gov>]
Sent: Saturday, February 11, 2017 6:26 PM
To: Jackson, Ryan (Inhofe) <Ryan_Jackson@inhofe.senate.gov>
Subject: Fwd: DRAFT EO Points

1 of 2 emails

Sent from my iPhone

Begin forwarded message:

From: "Konkus, John" <konkus.john@epa.gov>
Date: February 10, 2017 at 12:14:08 PM EST
To: "Jackson, Ryan (Inhofe)" <Ryan_Jackson@inhofe.senate.gov>, "samantha.dravis@gmail.com" <samantha.dravis@gmail.com>
Subject: DRAFT EO Points

Please see attached. This is the big one. Seven more sets of shorter EOs with points coming over shortly.

<SPW 022416.doc>

To: Ericksen, Doug[ericksen.doug@epa.gov]
From: Schnare, David
Sent: Thur 2/16/2017 7:26:54 PM
Subject: FW: InsideClimate News story published

The hit job on me.

dschnare

From: DWSschnare [mailto:Personal Email/Ex. 6]
Sent: Thursday, February 16, 2017 12:50 PM
To: Schnare, David <schnare.david@epa.gov>
Subject: Fwd: InsideClimate News story published

Sent from my iPad

Begin forwarded message:

From: Marianne Lavelle <marianne.lavelle@insideclimatenews.org>
Date: February 16, 2017 at 11:05:32 AM EST
To: David Schnare <Personal Email/Ex. 6>
Subject: InsideClimate News story published

Hello Dr. Schnare,

Here is a link to our story, which was just published on our web site:

<https://insideclimatenews.org/news/15022017/david-schnare-epa-donald-trump-climate-change-denial-scott-pruitt>

I hope in its entirety you think it is fair.

Thanks again for sharing your thoughts on these complex issues.

Best,

Marianne Lavelle

reporter and writer, politics

InsideClimate News

marianne.lavelle@insideclimatenews.org

703-677-6835 | Skype: mlavelles

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To: Benton, Donald[benton.donald@epa.gov]; Ericksen, Doug[ericksen.doug@epa.gov]; McCabe, Catherine[McCabe.Catherine@epa.gov]
From: Schnare, David
Sent: Mon 1/23/2017 5:53:58 PM
Subject: FW: Axios post

Here is the Axios article (below) as well as a couple of links to other articles. It is NOT based on the final action plan. The final plan does not have those cited numbers in it, nor those specific cuts. It probably came from the "20 pager" that has long been overtaken by events.

d.

<https://www.axios.com/trumpworld-prepares-to-hammer-the-epa-2209021483.html>

<http://thehill.com/policy/energy-environment/315607-trump-team-plans-big-cuts-at-epa>



Jonathan Swan, Mike Allen 3 mins ago

Trumpworld prepares to hammer the EPA

We got our hands on the "agency action" plan for Trump's EPA. It's an aspirational, and for many, unpalatable, document that amounts to a declaration of war against the environmental agency.

The plan is the handiwork of Myron Ebell, director of the Competitive Enterprise Institute's Center for the Environment. Trump appointed Ebell, a prominent opponent of climate change activists, to lead the agency.

- **Details:** "Potential opportunities for budget reductions": A category that includes \$513 million in "states and tribal assistance grants" ... \$193 million in savings from terminating climate programs ... in savings from "environment programs and management."
- **Listed as initiatives to stop:** "Clean Air Act greenhouse gas regulations for new (NSPS) and existing (MACT) coal and natural gas power plants ... [CAFE] Standards ... Clean Water Act (CWA) the U.S. Rule (wetlands) ... TMDL (Total Maximum Daily Load) for Chesapeake Bay."
- **"Key opportunities":** "Issue an executive order barring EPA from overruling federal/state court decisions unless in clear violation of established law."
- **Changing the way the EPA uses science:** "Unless major reforms of the agency's use of science are achieved, EPA will be able to return to its bad old ways as soon as an establishment administration takes office."

^ Show less

📌 POLITICS

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To unsubscribe from this group and stop receiving emails from it, send an email to epadplorables+unsubscribe@googlegroups.com.

To post to this group, send email to epadplorables@googlegroups.com.

To view this discussion on the web visit

<https://groups.google.com/d/msgid/epadplorables/CD3C05F5-BD3F-4F1B-B1CE-0882D3FF8C2B%40me.com>.

For more options, visit <https://groups.google.com/d/optout>.

From: Mccabe, Catherine
Location: Alm Conference Room
Importance: Normal
Subject: Senior Staff Meeting
Start Date/Time: Mon 1/30/2017 6:00:00 PM
End Date/Time: Mon 1/30/2017 7:00:00 PM

Untitled

Untitled

Untitled

Untitled

Untitled

SCt: Denise Anderson, 202-564-1782

NOTE: Due to space constraints, please contact Denise Anderson before forwarding or inviting additional meeting attendees.

Conference Call Number Non-responsive Conference Code/Ex.6

Conference Code Non-responsive Conference Code/Ex.6

To: McCabe, Catherine[McCabe.Catherine@epa.gov]; Benton, Donald[benton.donald@epa.gov]; Schnare, David[schnare.david@epa.gov]; Greaves, Holly[greaves.holly@epa.gov]; Sugiyama, George[sugiyama.george@epa.gov]; Bangerter, Layne[bangerter.layne@epa.gov]; Schwab, Justin[schwab.justin@epa.gov]; Munoz, Charles[munoz.charles@epa.gov]; Davis, Patrick[davis.patrick@epa.gov]; Kreutzer, David[kreutzer.david@epa.gov]; Ericksen, Doug[ericksen.doug@epa.gov]; 2017HQfirstassistants[2017HQfirstassistants@epa.gov]; 2017Regionfirstassistants[2017Regionfirstassistants@epa.gov]; Elkins, Arthur[Elkins.Arthur@epa.gov]; Etzel, Ruth[Etzel.Ruth@epa.gov]; Zarba, Christopher[Zarba.Christopher@epa.gov]; Lawrence, Tanya[Lawrence.Tanya@epa.gov]; Benjamin-Sirmons, Denise[Benjamin-Sirmons.Denise@epa.gov]; Hope, Brian[Hope.Brian@epa.gov]; Burden, Susan[Burden.Susan@epa.gov]; Naples, Eileen[Naples.Eileen@epa.gov]; Kling, David[Kling.Dave@epa.gov]; Brennan, Thomas[Brennan.Thomas@epa.gov]; Allen, Reginald[Allen.Reginald@epa.gov]; Knapp, Kristien[Knapp.Kristien@epa.gov]; Hautamaki, Jared[Hautamaki.Jared@epa.gov]; Threet, Derek[Threet.Derek@epa.gov]; Johnston, Khanna[Johnston.Khanna@epa.gov]; Konkus, John[konkus.john@epa.gov]

Cc: Slotkin, Ron[slotkin.ron@epa.gov]; Fine, Steven[fine.steven@epa.gov]; Bloom, David[Bloom.David@epa.gov]; EPAVTC[EPAVTC@epa.gov]; Strauss, Alexis[Strauss.Alexis@epa.gov]; Dunham, Sarah[Dunham.Sarah@epa.gov]; Kenny, Shannon[Kenny.Shannon@epa.gov]; Thomas, Deb[thomas.debrah@epa.gov]; Vizian, Donna[Vizian.Donna@epa.gov]; Kavlock, Robert[Kavlock.Robert@epa.gov]; Heard, Anne[Heard.Anne@epa.gov]; Rodrigues, Cecil[rodrigues.cecil@epa.gov]; Chu, Ed[Chu.Ed@epa.gov]; Szaro, Deb[Szaro.Deb@epa.gov]; Starfield, Lawrence[Starfield.Lawrence@epa.gov]; Pirzadeh, Michelle[Pirzadeh.Michelle@epa.gov]; Mugdan, Walter[Mugdan.Walter@epa.gov]; Minoli, Kevin[Minoli.Kevin@epa.gov]; Flynn, Mike[Flynn.Mike@epa.gov]; Shapiro, Mike[Shapiro.Mike@epa.gov]; Reeder, John[Reeder.John@epa.gov]; Torma, Tim[Torma.Tim@epa.gov]; Grantham, Nancy[Grantham.Nancy@epa.gov]; Richardson, RobinH[Richardson.RobinH@epa.gov]; Ghosh, Mita[Ghosh.Mita@epa.gov]; Wise, Louise[Wise.Louise@epa.gov]; Cleland-Hamnett, Wendy[Cleland-Hamnett.Wendy@epa.gov]; Nishida, Jane[Nishida.Jane@epa.gov]; Opalski, Dan[Opalski.Dan@epa.gov]; Lapierre, Kenneth[lapierre.kenneth@epa.gov]; Hill, Randy[Hill.Randy@epa.gov]; Simon, Nigel[Simon.Nigel@epa.gov]

SCt: Denise Anderson, 202-564-1782

NOTE: Due to space constraints, please contact Denise Anderson before forwarding or inviting additional meeting attendees.

Conference Call Number

Conference Code

To: McCabe, Catherine[McCabe.Catherine@epa.gov]; Lawrence, Tanya[Lawrence.Tanya@epa.gov]; Benton, Donald[benton.donald@epa.gov]; 2017HQfirstassistants[2017HQfirstassistants@epa.gov]; Schnare, David[schnare.david@epa.gov]; Bangerter, Layne[bangerter.layne@epa.gov]; Davis, Patrick[davis.patrick@epa.gov]; Allen, Reginald[Allen.Reginald@epa.gov]; 2017Regionfirstassistants[2017Regionfirstassistants@epa.gov]; Kling, David[Kling.Dave@epa.gov]; Benjamin-Sirmons, Denise[Benjamin-Sirmons.Denise@epa.gov]; Hope, Brian[Hope.Brian@epa.gov]; Knapp, Kristien[Knapp.Kristien@epa.gov]; Ericksen, Doug[ericksen.doug@epa.gov]; Greaves, Holly[greaves.holly@epa.gov]; Elkins, Arthur[Elkins.Arthur@epa.gov]; Etzel, Ruth[Etzel.Ruth@epa.gov]; Sugiyama, George[sugiyama.george@epa.gov]; Naples, Eileen[Naples.Eileen@epa.gov]; Burden, Susan[Burden.Susan@epa.gov]; Threet, Derek[Threet.Derek@epa.gov]; Kreutzer, David[kreutzer.david@epa.gov]; Brennan, Thomas[Brennan.Thomas@epa.gov]; Schwab, Justin[schwab.justin@epa.gov]; Munoz, Charles[munoz.charles@epa.gov]; Hautamaki, Jared[Hautamaki.Jared@epa.gov]; Zarba, Christopher[Zarba.Christopher@epa.gov]; EPAVTC[EPAVTC@epa.gov]
Cc: Slotkin, Ron[slotkin.ron@epa.gov]
From: Torma, Tim
Sent: Mon 5/29/2017 3:15:48 PM
Subject: FW: Senior Staff Meeting

From: McCabe, Catherine
Sent: Friday, January 27, 2017 7:52:43 PM UTC
To: McCabe, Catherine; Lawrence, Tanya; Benton, Donald; 2017HQfirstassistants; Schnare, David; Bangerter, Layne; Davis, Patrick; Allen, Reginald; 2017Regionfirstassistants; Kling, David; Benjamin-Sirmons, Denise; Hope, Brian; Knapp, Kristien; Ericksen, Doug; Greaves, Holly; Elkins, Arthur; Etzel, Ruth; Sugiyama, George; Naples, Eileen; Burden, Susan; Threet, Derek; Kreutzer, David; Brennan, Thomas; Schwab, Justin; Munoz, Charles; Hautamaki, Jared; Zarba, Christopher; EPAVTC
Cc: EPAVTC; Slotkin, Ron
Subject: FW: Senior Staff Meeting

SCt: Denise Anderson, 202-564-1782

NOTE: Due to space constraints, please contact Denise Anderson before forwarding or inviting additional meeting attendees.

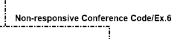

Conference Call Number Non-responsive Conference Code/Ex.6
Conference Code Non-responsive Conference Code/Ex.6

To: McCabe, Catherine[McCabe.Catherine@epa.gov]; Munoz, Charles[munoz.charles@epa.gov]; Slotkin, Ron[slotkin.ron@epa.gov]; Greaves, Holly[greaves.holly@epa.gov]; 2017Regionfirstassistants[2017Regionfirstassistants@epa.gov]; Burden, Susan[Burden.Susan@epa.gov]; Naples, Eileen[Naples.Eileen@epa.gov]; Davis, Patrick[davis.patrick@epa.gov]; Ericksen, Doug[ericksen.doug@epa.gov]; Benton, Donald[benton.donald@epa.gov]; Lawrence, Tanya[Lawrence.Tanya@epa.gov]; Knapp, Kristien[Knapp.Kristien@epa.gov]; Schnare, David[schnare.david@epa.gov]; Threet, Derek[Threet.Derek@epa.gov]; 2017HQfirstassistants[2017HQfirstassistants@epa.gov]; Etzel, Ruth[Etzel.Ruth@epa.gov]; Allen, Reginald[Allen.Reginald@epa.gov]; Kreutzer, David[kreutzer.david@epa.gov]; Sugiyama, George[sugiyama.george@epa.gov]; Bangerter, Layne[bangerter.layne@epa.gov]; Hautamaki, Jared[Hautamaki.Jared@epa.gov]; Elkins, Arthur[Elkins.Arthur@epa.gov]; Benjamin-Sirmons, Denise[Benjamin-Sirmons.Denise@epa.gov]; Schwab, Justin[schwab.justin@epa.gov]; Brennan, Thomas[Brennan.Thomas@epa.gov]; EPAVTC[EPAVTC@epa.gov]; Kling, David[Kling.Dave@epa.gov]; Hope, Brian[Hope.Brian@epa.gov]; Zarba, Christopher[Zarba.Christopher@epa.gov]
From: Zarba, Christopher
Sent: Mon 7/17/2017 5:14:10 PM
Subject: FW: Senior Staff Meeting

From: McCabe, Catherine
Sent: Friday, January 27, 2017 7:52:42 PM UTC
To: McCabe, Catherine; Benton, Donald; Schnare, David; Greaves, Holly; Sugiyama, George; Bangerter, Layne; Schwab, Justin; Munoz, Charles; Davis, Patrick; Kreutzer, David; Ericksen, Doug; 2017HQfirstassistants; 2017Regionfirstassistants; Kling, David; Brennan, Thomas; Elkins, Arthur; Allen, Reginald; Etzel, Ruth; Zarba, Christopher; Lawrence, Tanya; Benjamin-Sirmons, Denise; Hope, Brian; Knapp, Kristien; Hautamaki, Jared; Threet, Derek; Burden, Susan; Naples, Eileen
Cc: EPAVTC; Slotkin, Ron
Subject: Senior Staff Meeting
When: Monday, July 17, 2017 5:00 PM-6:00 PM.
Where: Alm Conference Room

SCt: Denise Anderson, 202-564-1782

NOTE: Due to space constraints, please contact Denise Anderson before forwarding or inviting additional meeting attendees.

Conference Call Number 
Conference Code 

To: McCabe, Catherine[McCabe.Catherine@epa.gov];
2017HQfirstassistants[2017HQfirstassistants@epa.gov]; Hautamaki, Jared[Hautamaki.Jared@epa.gov];
Brennan, Thomas[Brennan.Thomas@epa.gov]; EPAVTC[EPAVTC@epa.gov]; Sugiyama,
George[sugiyama.george@epa.gov]; Ericksen, Doug[ericksen.doug@epa.gov]; Benjamin-Sirmons,
Denise[Benjamin-Sirmons.Denise@epa.gov];
2017Regionfirstassistants[2017Regionfirstassistants@epa.gov]; Naples, Eileen[Naples.Eileen@epa.gov];
Schwab, Justin[schwab.justin@epa.gov]; Munoz, Charles[munoz.charles@epa.gov]; Slotkin,
Ron[slotkin.ron@epa.gov]; Etzel, Ruth[Etzel.Ruth@epa.gov]; Allen, Reginald[Allen.Reginald@epa.gov];
Schnare, David[schnare.david@epa.gov]; Bangerter, Layne[bangerter.layne@epa.gov]; Zarba,
Christopher[Zarba.Christopher@epa.gov]; Benton, Donald[benton.donald@epa.gov]; Greaves,
Holly[greaves.holly@epa.gov]; Davis, Patrick[davis.patrick@epa.gov]; Kreutzer,
David[kreutzer.david@epa.gov]; Kling, David[Kling.Dave@epa.gov]; Elkins,
Arthur[Elkins.Arthur@epa.gov]; Lawrence, Tanya[Lawrence.Tanya@epa.gov]; Hope,
Brian[Hope.Brian@epa.gov]; Knapp, Kristien[Knapp.Kristien@epa.gov]; Threet,
Derek[Threet.Derek@epa.gov]; Burden, Susan[Burden.Susan@epa.gov]
Subject: FW: Senior Staff Meeting

From: McCabe, Catherine
Sent: Friday, January 27, 2017 7:52:42 PM UTC
To: McCabe, Catherine; Benton, Donald; Schnare, David; Greaves, Holly; Sugiyama, George; Bangerter,
Layne; Schwab, Justin; Munoz, Charles; Davis, Patrick; Kreutzer, David; Ericksen, Doug;
2017HQfirstassistants; 2017Regionfirstassistants; Kling, David; Brennan, Thomas; Elkins, Arthur; Allen,
Reginald; Etzel, Ruth; Zarba, Christopher; Lawrence, Tanya; Benjamin-Sirmons, Denise; Hope, Brian;
Knapp, Kristien; Hautamaki, Jared; Threet, Derek; Burden, Susan; Naples, Eileen
Cc: EPAVTC; Slotkin, Ron
Subject: Senior Staff Meeting
When: Monday, October 30, 2017 5:00 PM-6:00 PM.
Where: Alm Conference Room

SCt: Denise Anderson, 202-564-1782

NOTE: Due to space constraints, please contact Denise Anderson before forwarding or inviting additional meeting attendees.

Conference Call Number Non-responsive Conference Code/Ex.6
Conference Code Non-responsive Conference Code/Ex.6

From: Mccabe, Catherine
Location: Alm Conference Room
Importance: Normal
Subject: Senior Staff Meeting
Start Date/Time: Mon 1/30/2017 6:00:00 PM
End Date/Time: Mon 1/30/2017 7:00:00 PM

Untitled
Untitled
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Untitled
Untitled
Untitled
Untitled

SCt: Denise Anderson, 202-564-1782

NOTE: Due to space constraints, please contact Denise Anderson before forwarding or inviting additional meeting attendees.

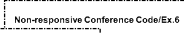
Conference Call Number
Conference Code

To: McCabe, Catherine[McCabe.Catherine@epa.gov]; Knapp, Kristien[Knapp.Kristien@epa.gov]; Sugiyama, George[sugiyama.george@epa.gov]; ericksen.doug@epa.gov[ericksen.doug@epa.gov]; Brennan, Thomas[Brennan.Thomas@epa.gov]; Slotkin, Ron[slotkin.ron@epa.gov]; Munoz, Charles[munoz.charles@epa.gov]; Threet, Derek[Threet.Derek@epa.gov]; schnare.david@epa.gov[schnare.david@epa.gov]; 2017HQfirstassistants[2017HQfirstassistants@epa.gov]; 2017Regionfirstassistants[2017Regionfirstassistants@epa.gov]; Kling, David[Kling.Dave@epa.gov]; Etzel, Ruth[Etzel.Ruth@epa.gov]; Zarba, Christopher[Zarba.Christopher@epa.gov]; Elkins, Arthur[Elkins.Arthur@epa.gov]; Benton, Donald[benton.donald@epa.gov]; Schnare, David[schnare.david@epa.gov]; Greaves, Holly[greaves.holly@epa.gov]; Bangerter, Layne[bangerter.layne@epa.gov]; Schwab, Justin[schwab.justin@epa.gov]; Davis, Patrick[davis.patrick@epa.gov]; Kreutzer, David[kreutzer.david@epa.gov]; Ericksen, Doug[ericksen.doug@epa.gov]; Allen, Reginald[Allen.Reginald@epa.gov]; Lawrence, Tanya[Lawrence.Tanya@epa.gov]; Benjamin-Sirmons, Denise[Benjamin-Sirmons.Denise@epa.gov]; Hope, Brian[Hope.Brian@epa.gov]; Hautamaki, Jared[Hautamaki.Jared@epa.gov]; Burden, Susan[Burden.Susan@epa.gov]; Naples, Eileen[Naples.Eileen@epa.gov]
Cc: EPAVTC[EPAVTC@epa.gov]
Subject: FW: Senior Staff Meeting

From: McCabe, Catherine
Sent: Friday, January 27, 2017 7:52:42 PM UTC
To: McCabe, Catherine; Benton, Donald; Schnare, David; Greaves, Holly; Sugiyama, George; Bangerter, Layne; Schwab, Justin; Munoz, Charles; Davis, Patrick; Kreutzer, David; Ericksen, Doug; 2017HQfirstassistants; 2017Regionfirstassistants; Kling, David; Brennan, Thomas; Elkins, Arthur; Allen, Reginald; Etzel, Ruth; Zarba, Christopher; Lawrence, Tanya; Benjamin-Sirmons, Denise; Hope, Brian; Knapp, Kristien; Hautamaki, Jared; Threet, Derek; Burden, Susan; Naples, Eileen
Cc: EPAVTC; Slotkin, Ron
Subject: Senior Staff Meeting
When: Monday, November 13, 2017 6:00 PM-7:00 PM.
Where: Alm Conference Room

SCt: Denise Anderson, 202-564-1782

NOTE: Due to space constraints, please contact Denise Anderson before forwarding or inviting additional meeting attendees.

Conference Call Number 
Conference Code 

From: Mccabe, Catherine
Location: Alm Conference Room
Importance: Normal
Subject: Senior Staff Meeting
Start Date/Time: Mon 1/30/2017 6:00:00 PM
End Date/Time: Mon 1/30/2017 7:00:00 PM

Untitled

Untitled

Untitled

Untitled

SCt: Denise Anderson, 202-564-1782

NOTE: Due to space constraints, please contact Denise Anderson before forwarding or inviting additional meeting attendees.

Conference Call Number Non-responsive Conference Code/Ex.6

Conference Code Non-responsive Conference Code/Ex.6

From: Mccabe, Catherine
Location: Alm Conference Room
Importance: Normal
Subject: Senior Staff Meeting
Start Date/Time: Mon 1/30/2017 6:00:00 PM
End Date/Time: Mon 1/30/2017 7:00:00 PM

Untitled

Untitled

Untitled

Untitled

Untitled

Untitled

SCt: Denise Anderson, 202-564-1782

NOTE: Due to space constraints, please contact Denise Anderson before forwarding or inviting additional meeting attendees.

Conference Call Number

Non-responsive Conference Code/Ex.6

Conference Code

Non-responsive Conference Code/Ex.6

From: Mccabe, Catherine
Location: Alm Conference Room
Importance: Normal
Subject: Senior Staff Meeting
Start Date/Time: Mon 1/30/2017 6:00:00 PM
End Date/Time: Mon 1/30/2017 7:00:00 PM

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SCt: Denise Anderson, 202-564-1782

NOTE: Due to space constraints, please contact Denise Anderson before forwarding or inviting additional meeting attendees.

Conference Call Number Non-responsive Conference Code/Ex.6

Conference Code Non-responsive Conference Code/Ex.6

To: McCabe, Catherine[McCabe.Catherine@epa.gov]; Davis, Patrick[davis.patrick@epa.gov]; EPAVTC[EPAVTC@epa.gov]; Elkins, Arthur[Elkins.Arthur@epa.gov]; bangerter.layne@epa.gov[bangerter.layne@epa.gov]; Allen, Reginald[Allen.Reginald@epa.gov]; Burden, Susan[Burden.Susan@epa.gov]; Kling, David[Kling.Dave@epa.gov]; Brennan, Thomas[Brennan.Thomas@epa.gov]; Zarba, Christopher[Zarba.Christopher@epa.gov]; Greaves, Holly[greaves.holly@epa.gov]; benton.donald@epa.gov[benton.donald@epa.gov]; 2017Regionfirstassistants[2017Regionfirstassistants@epa.gov]; Ericksen, Doug[ericksen.doug@epa.gov]; Knapp, Kristien[Knapp.Kristien@epa.gov]; Threet, Derek[Threet.Derek@epa.gov]; Schwab, Justin[schwab.justin@epa.gov]; Etzel, Ruth[Etzel.Ruth@epa.gov]; Hautamaki, Jared[Hautamaki.Jared@epa.gov]; Naples, Eileen[Naples.Eileen@epa.gov]; Schnare, David[schnare.david@epa.gov]; 2017HQfirstassistants[2017HQfirstassistants@epa.gov]; Slotkin, Ron[slotkin.ron@epa.gov]; Sugiyama, George[sugiyama.george@epa.gov]; Munoz, Charles[munoz.charles@epa.gov]; Hope, Brian[Hope.Brian@epa.gov]; Benton, Donald[benton.donald@epa.gov]; Bangerter, Layne[bangerter.layne@epa.gov]; Kreutzer, David[kreutzer.david@epa.gov]; Lawrence, Tanya[Lawrence.Tanya@epa.gov]; Benjamin-Sirmons, Denise[Benjamin-Sirmons.Denise@epa.gov]
Subject: FW: Senior Staff Meeting

From: McCabe, Catherine
Sent: Friday, January 27, 2017 7:52:43 PM UTC
To: McCabe, Catherine; Benton, Donald; Schnare, David; Greaves, Holly; Sugiyama, George; Bangerter, Layne; Schwab, Justin; Munoz, Charles; Davis, Patrick; Kreutzer, David; Ericksen, Doug; 2017HQfirstassistants; 2017Regionfirstassistants; Kling, David; Brennan, Thomas; Elkins, Arthur; Allen, Reginald; Etzel, Ruth; Zarba, Christopher; Lawrence, Tanya; Benjamin-Sirmons, Denise; Hope, Brian; Knapp, Kristien; Hautamaki, Jared; Threet, Derek; Burden, Susan; Naples, Eileen
Cc: EPAVTC; Slotkin, Ron
Subject: Senior Staff Meeting
When: Monday, December 25, 2017 6:00 PM-7:00 PM.
Where: Alm Conference Room

SCt: Denise Anderson, 202-564-1782

NOTE: Due to space constraints, please contact Denise Anderson before forwarding or inviting additional meeting attendees.

Conference Call Number Non-responsive Conference Code/Ex.6
Conference Code Non-responsive Conference Code/Ex.6

From: Benton, Donald
Location: Alm Conference Room
Importance: Normal
Subject: Briefing for Office of Administration and Resources Management
Start Date/Time: Tue 1/31/2017 4:00:00 PM
End Date/Time: Tue 1/31/2017 4:45:00 PM
[OARM Office Presentation Final.docx](#)

SCt: Denise Anderson, 564-1782

From: Benton, Donald
Location: WJC-N 3412
Importance: Normal
Subject: Meeting with Beachhead Team
Start Date/Time: Mon 1/23/2017 9:00:00 PM
End Date/Time: Mon 1/23/2017 9:45:00 PM

To: Benton, Donald[benton.donald@epa.gov]; Schnare, David[schnare.david@epa.gov]; Greaves, Holly[greaves.holly@epa.gov]; Sugiyama, George[sugiyama.george@epa.gov]; Bangerter, Layne[bangerter.layne@epa.gov]; Schwab, Justin[schwab.justin@epa.gov]; Munoz, Charles[munoz.charles@epa.gov]; Davis, Patrick[davis.patrick@epa.gov]; Kreutzer, David[kreutzer.david@epa.gov]; Ericksen, Doug[ericksen.doug@epa.gov]; Konkus, John[konkus.john@epa.gov]

To: Sugiyama, George[sugiyama.george@epa.gov]; Davis, Patrick[davis.patrick@epa.gov];
Ericksen, Doug[ericksen.doug@epa.gov]; Greaves, Holly[greaves.holly@epa.gov]
From: Munoz, Charles
Sent: Mon 1/23/2017 8:50:38 PM
Subject: 4 pm Don's office

From: Kenny, Shannon
Location: Administrator's Office
Importance: Normal
Subject: Bagels with Beach Head Team - Principals/Invitees Only
Start Date/Time: Mon 1/23/2017 3:00:00 PM
End Date/Time: Mon 1/23/2017 4:00:00 PM

To: Ericksen, Doug[ericksen.doug@epa.gov]
From: Sugiyama, George
Sent: Fri 3/17/2017 2:35:57 PM
Subject: Schnare leave any contact info

Sent from my iPhone

To: Ericksen, Doug[ericksen.doug@epa.gov]
From: Sugiyama, George
Sent: Fri 3/17/2017 2:35:35 PM
Subject: Do you have Justin schwabs cell

Sent from my iPhone